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Ontario

ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 370

DATE: Wednesday, April 15, 1992

BEFORE:

A. KOVEN Chairman

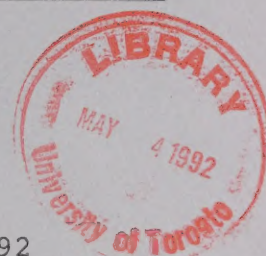
E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416) 963-1249

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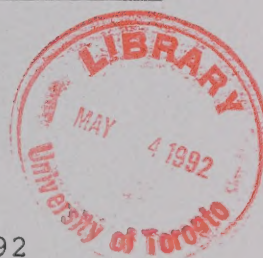
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable
Jim Bradley, Minister of the Environment,
requiring the Environmental Assessment
Board to hold a hearing with respect to a
Class Environmental Assessment (No.
NR-AA-30) of an undertaking by the Ministry
of Natural Resources for the activity of
Timber Management on Crown Lands in
Ontario.

Hearing held at the "Royal Room" of The
Empire Hotel, 425 Fraser Street, North Bay,
Ontario, on Wednesday, April 15, 1992,
commencing at 9:00 a.m.

VOLUME 370


BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.	)	MINISTRY OF NATURAL
MS. C. BLASTORAH	)	RESOURCES
MS. K. MURPHY)	
MR. B. CAMPBELL)	
MS. J. SEABORN	)	MINISTRY OF ENVIRONMENT
MS. N. GILLESPIE)	
MR. R. TUER, Q.C.	)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN	)	ASSOCIATION and ONTARIO
MS. E. CRONK	)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY	)	ASSOCIATION
MR. D. HUNT)	
MR. R. BERAM		ENVIRONMENTAL ASSESSMENT BOARD
MR. J.E. HANNA	)	ONTARIO FEDERATION
DR. T. QUINNEY	)	OF ANGLERS & HUNTERS
MR. D. O'LEARY		
MR. D. HUNTER	)	NISHNAWBE-ASKI NATION
MR. M. BAEDER	)	and WINDIGO TRIBAL COUNCIL
MS. M. SWENARCHUK	)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. D. COLBORNE	)	GRAND COUNCIL TREATY #3
MR. G. KAKEWAY)	
MR. J. IRWIN		ONTARIO METIS & ABORIGINAL ASSOCIATION
MS. M. HALL		KIMBERLY-CLARK OF CANADA LIMITED and SPRUCE FALLS POWER & PAPER COMPANY



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APPEARANCES (Cont'd):

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MR. R. BARNES)	ASSOCIATION
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MR. J.W. ERICKSON, Q.C.)		RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK)	MUNICIPAL COMMITTEE
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MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS OF COMMERCE
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MR. H. GRAHAM		CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN		DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES		ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY

APPEARANCES (Cont'd):

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>PETER QUINBY</u> ; Sworn.	64285
Direct Examination by Mr. Zylberberg	64285
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I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
2188	72-page Study authored by Dr. Peter Quinby titled: The Tall Pines Project, Research Report No. 2, the subject is Old Growth Forest Survey in Temagami's Wakimaka Triangle, sponsored by Temagami Wilderness Society, January, 1989.	64287
2189	23-page study authored by Dr. Peter Quinby titled: The Wilderness Series Research Report No. 3, the subject is Self-replacement in Old Growth White Pine Forests, sponsored by Earthroots Coalition, 1990.	64287
2190	44-page study authored by Dr. Peter Quinby entitled: White Pine Regeneration in the Obabika Lake Old Growth Pine Stands, A Landscape Perspective for the Temagami Wilderness Fund, July, 1991.	64288
2191	Three-page excerpt from the Old Growth Forest Symposium of January 20th, 1990.	64313
2192	Appendix 1 entitled: Known Old Growth White Pine Stands in Ontario consisting of three pages and two figures.	64335
2193	Document Entitled Old Growth Conservation Initiative, dated January 1992, and a News Release from the MNR dated January 28, 1992.	64354

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
2194	Document entitled The Ecological Values of Old Growth Forest with Specific Reference to White and Red Pine Forest Ecosystems in the Temagami Area of Ontario, a literature review, dated October 1988, authored by Dr. Peter A. Quinby for the Temagami Wilderness Society.	64359
2195A	Report entitled: Stand Structure and Successional Development of the White and Red Pine Communities of the Temagami Forest from study entitled: The Temagami White and Red Pine Ecology and Silvicultural Study, authored by Day and Carter, Lakehead University School of Forestry dated November the 30th, 1990.	64373
2195B	One-page fax sheet dated June 1, 1991 and revised September 3, 1991.	64373
2196	One page of statistics for the years 1987/88 to 1990/91 entitled Area Harvested with Shelterwood and Clearcutting Systems in the Central Region in the White Pine Working Group.	64405
2197	Photographs depicting logging practices in Tupper Shields Township taken in November 1991.	64440

1 ---Upon commencing at 9:00 a.m.

2 MADAM CHAIR: Good morning, Mr.
3 Zylberberg.

4 MR. ZYLBERBERG: Good morning, Ms. Koven.
5 Sorry to be late starting.

6 MADAM CHAIR: That's fine. This morning
7 we are going to be hearing from Dr. Peter Quinby.

8 Welcome Dr. Quinby

9 DR. QUINBY: Thank you.

10 MADAM CHAIR: And Dr. Quinby's evidence
11 is in Section 7 of exhibit 2179.

12 MR. ZYLBERBERG: It is.

13 MADAM CHAIR: As well as his
14 interrogatory responses in 2180 beginning on page 12.

15 MR. ZYLBERBERG: Professor Quinby, do you
16 prefer to be sworn or affirmed?

17 DR. QUINBY: What do you suggest?

18 MR. ZYLBERBERG: Whichever you're most
19 comfortable.

20 DR. QUINBY: It doesn't matter to me.
21 Sworn is fine.

22 PETER QUINBY, Sworn

23 DIRECT EXAMINATION BY MR. ZYLBERBERG:

24 Q. Professor Quinby, I understand that
25 you are a university professor by trade?

1 A. That's right.

2 Q. That you have a doctorate?

3 A. That's right.

4 Q. And that among other things you have
5 extensively studied old growth pine forests?

6 A. That's right.

7 Q. Am I right that you've done a number
8 of studies in the field?

9 A. You're correct, mm-hmm.

10 Q. I have in front of me what I
11 understand to be three studies that you have done in
12 respect of old growth pine forests, particularly in the
13 Temagami region. Would that be correct?

14 A. That's right.

15 Q. And after you've identified them we
16 will have them filed as exhibits in these proceedings.

17 A. Yes, these are mine.

18 Q. Thank you.

19 MR. ZYLBERBERG: Could they perhaps be
20 taken as the next exhibits to this proceeding.

21 MADAM CHAIR: Exhibit 2188 is a study
22 done in January, 1989 authored by Peter Quinby. The
23 title at the top of the page is The Tall Pines Project,
24 Research Report No. 2, the subject is Old Growth Forest
25 Survey in Temagami's Wakimaka Triangle, and I

1 understand the sponsoring body is the Temagami
2 Wilderness Society?

3 THE WITNESS: That's right.

4 ---EXHIBIT NO. 2188: 72-page Study authored by Dr.
5 Peter Quinby titled: The Tall
6 Pines Project, Research Report
7 No. 2, the subject is Old Growth
8 Forest Survey in Temagami's
9 Wakimaka Triangle, sponsored by
10 Temagami Wilderness Society,
11 January, 1989.

12 MADAM CHAIR: Exhibit 2189 is a 1990
13 study, again by Dr. Quinby. On the title page we have
14 The Wilderness Series Research Report No. 3, the
15 subject is Self-replacement in Old Growth White Pine
16 Forests, and the sponsoring group is Earthroots
17 Coalition.

18 ---EXHIBIT NO. 2189: 23-page study authored by Dr.
19 Peter Quinby titled: The
20 Wilderness Series Research Report
21 No. 3, the subject is
22 Self-replacement in Old Growth
23 White Pine Forests, sponsored by
24 Earthroots Coalition, 1990.

25 MADAM CHAIR: And Exhibit 2190 is a July,
1991 study by Dr. Quinby entitled: White Pine
Regeneration in the Obabika Lake Old Growth Pine Stands,
A Landscape Perspective for the Temagami Wilderness
Fund.

This study comprises 44 pages. Exhibit
2189 is 23 pages in length, and Exhibit 2188 is 72

1 pages in length.

2 ---EXHIBIT NO. 2190: 44-page study authored by Dr.
3 Peter Quinby entitled: White Pine
4 Regeneration in the Obabika Lake
5 Old Growth Pine Stands, A
Landscape Perspective for the
Temagami Wilderness Fund, July,
1991.

6 MR. ZYLBERBERG: Q. Professor Quinby,
7 are those three studies consistent with the witness
8 statement that has been filed with the Board?

9 A. Yes.

10 Q. Can you define for us just what old
11 growth forests are as compared to other forests?

12 A. Good question. The science of old
13 growth forest is in its infancy. Especially in Canada
14 there's been very little work done, but what we do know
15 is that at the very minimum old growth forests are
16 characterized by large old trees, by a certain density
17 of snags and a certain density and volume of logs,
18 so... -- and, in addition, it's necessary to consider
19 the human activity component of that because for the
20 most part old growth forests are considered to be
21 unaffected by human activity, however, again, that is
22 something that hasn't been completely described or
23 defined as of yet. Some people say that a minimum
24 amount of human activity is acceptable and others say
25 that it should be untouched by humans.

1 So those are the main characteristics,
2 however, other scientists -- additional features, I
3 should say, do include a multi-layered canopy which
4 involves the regeneration of the forest basically.

5 Some scientists are saying that we should
6 look at species richness and other components of the
7 ecosystem, but for the most part the characteristics
8 that are at this point most important in an old growth
9 forest are the logs, the snags and the old -- large old
10 trees.

11 Q. How old should the old trees be to be
12 defined as old growth?

13 A. The age of the old trees varies from
14 one forest type to another. With white pine forest
15 I've identified 140 years as being a minimum age and
16 this is based on the fact that right around that time
17 the growth of a white pine stand starts to level off.

18 Now, there's variability in terms of when
19 this growth levels off, it may be as low as 120 years,
20 it may be as high as 160 years, but that's why I chose
21 140 years because it is basically the average of those
22 two extremes.

23 Q. For you to define an area as old
24 growth white pine, does it have to be just old white
25 pine?

1 A. No. Basically the criteria for
2 determining whether it's an old growth white pine stand
3 is just simply whether it's dominated by white pine; in
4 other words, whether white pine has the highest
5 percentage of basal area or biomass in the stand.

6 Q. And using that definition of old
7 growth white pine stand, are there many left?

8 A. Well, no. I've conducted an
9 inventory based on expert opinion and existing
10 literature and the field data that are currently
11 available and I have determined through this inventory
12 that approximately - and this is an estimate - .2 per
13 cent of the original old growth white pine forest is
14 left at this time, that is in the United States and
15 Canada.

16 Q. And if one were to look at the white
17 pine forests in northern Ontario, would the proportion
18 be similar?

19 A. That's a good question. I don't have
20 the -- I would have to look at the statistics on that,
21 but certainly there's less than one per cent left in
22 Ontario. I would have to refer to my table to...

23 So, in other words, what I'm getting at
24 with these percentages is merely the fact that we are
25 dealing here with an endangered ecosystem, that in my

1 opinion anything less than one per cent of an ecosystem
2 remaining, I suggest, we consider it endangered.

3 And in every political jurisdiction where
4 old -- where pine occurs, and there are approximately
5 31 of them, they're either endangered or extinct, I
6 should say extirpated.

7 Q. Why does it matter?

8 A. Well, if we all agree - and there may
9 not be agreement on this - that forestry is based on an
10 understanding of the way natural forests work, then I
11 think we should be concerned that we're losing the
12 baseline information, the blueprint that we need to
13 understand nature and forestry and how to develop
14 forestry that works.

15 That may be one of the most, I'd say,
16 important aspects from an industrial perspective, but
17 certainly there are a variety of other values of old
18 growth forest.

19 But in terms of the white pine, it
20 depends whether we want to talk about natural forests
21 in general or whether we want to talk about old growth
22 white pine specifically, but in terms of old growth
23 forests, which I also consider to be natural forests,
24 there are a variety of ecological and educational
25 values as well as scientific values, and I'd say I have

1 already spoken to some of the scientific values, in
2 that if we want to develop forestry we need to
3 understand how natural ecosystems work, but also just
4 to understand evolutionary processes and develop
5 ecological principles for scientific purposes, we need
6 these natural ecosystems.

7 In terms of the ecological values there
8 are climatic aspects and hydrological aspects and
9 aspects that relate to soils and biological aspects as
10 well.

11 And in terms of climatic aspects, natural
12 forests or old growth forests tend to ameliorate
13 temperature fluctuations in the sense that they absorb
14 solar radiation at the surface of the earth, and so if
15 that canopy is removed what you get are greater
16 temperature extremes within the forest ecosystem,
17 because not only does that canopy absorb the incoming
18 solar radiation but it tends to insulate as well and
19 keep some of the warmth in below the canopy.

20 In addition, old growth forests are now
21 being identified as very important in terms of climate
22 change because they tend to build up carbon within the
23 ecosystem, especially because of the dead wood and, of
24 course, the CO2 that is the cause -- major cause of
25 climate change is released when this dead wood is

1 decomposed or burned or when the wood is never allowed
2 to build up because it's harvested.

3 Trees and natural forests are also a very
4 important link in the transpiration or the hydrological
5 cycle in the sense that transpiration puts water back
6 into the atmosphere following its absorption into soil.

7 In terms of hydrologic values, well, we
8 all know that direct rainfall will cause erosion and
9 that the canopy protects the soil from the direct
10 impact of rain and, therefore, keeps soil on the site.

11 There's also the importance of a forest
12 in terms of acting as a sponge; in other words, when
13 you remove the canopy water is not allowed to build up
14 in the soil and so in cases of drought and flooding you
15 get extremes occurring. In other words, if that forest
16 isn't there flooding will occur and also there will be
17 no water to provide water in cases of drought.

18 Q. In your statement you talk about a
19 view held by others in respect of white pine forests,
20 in particular, that:

21 "Overmature or old growth white pine
22 forests- " quoting you,
23 "-just simply fall apart in the absence
24 of fires and that as a result there has
25 to be some form of even-age management of

1 white pine."

2 This is a theory that you describe and
3 you take issue with.

4 A. Mm-hmm.

5 Q. Can you perhaps explain to the Board
6 where that theory came from and why you take issue with
7 it?

8 A. Well, I think that to this point in
9 time the majority of people, especially foresters,
10 believe that catastrophic fire is required in order to
11 regenerate white pine forest, and I think there is some
12 evidence, obviously there's evidence there that would
13 indicate that that is the case in some instances, but
14 what I've discovered with my studies of the ancient
15 white pine forest is that in fact white pine
16 regeneration does occur in the absence of catastrophic
17 wild fire and, in particular, the study that looks at
18 white pine regeneration at Obabika Lake, the landscape
19 perspective study, shows that there is a classic
20 uneven-aged age-class structure within that forest,
21 basically showing that there are many, many, many more
22 individuals in the younger age classes and then fewer
23 as you progress out in an exponential fashion out
24 towards the older age-classes.

25 And basically what that means is that

1 white pine has been regenerating in the absence of
2 catastrophic fire because if catastrophic wild fire had
3 occurred we wouldn't have the juvenile to mature and
4 the older trees there, they would have been killed or
5 there would be signs of fire, et cetera, et cetera, and
6 that stand has been around for many thousands of years
7 as we can tell from the existing stands and from
8 palaeo-ecological evidence that is available for the
9 area.

10 So basically what that tells us is that
11 there are smaller scale disturbances that are making
12 growing space available for, or a niche available for
13 white pine regeneration and that, in fact, what that
14 means is that if we believe that forest ecology is the
15 basis for developing forestry practices, that in fact
16 uneven-aged management of white pine, in some
17 instances, is possible because it has been happening
18 and it is happening in the Obabika Lake stands, and
19 catastrophic wild fire has not been a cause there.

20 Q. You studied particularly white pine
21 and particularly white pine in Temagami, but is what
22 you're saying transferable to other species?

23 A. Oh sure. There basically are two
24 kinds of silvicultural systems, there is an uneven-aged
25 management approach and an even-aged management

1 approach and basically the two approaches are used
2 depending on the silvics or the ecology of the species.

3 So, for example, tolerant hardwoods like
4 yellow birch and sugar maple are managed using an
5 uneven-aged system because they tend to regenerate
6 quite well in their own shade and without major
7 catastrophic disturbance.

8 But species like jack pine, for example,
9 is a perfect example of one that does require some kind
10 of major disturbance in order to regenerate, and what
11 we find is that white pine -- what I found is that
12 white pine tends to occupy, let's say, a greater
13 ecological amplitude of disturbance conditions than
14 what had formally been identified by scientists and by
15 practitioners.

16 Q. I take it it follows from what you're
17 saying that there should be some special protection for
18 old growth pine forest?

19 A. Well, I think most people would agree
20 that there is value in natural forests, and I think
21 that the fact that the Ministry of Natural Resources is
22 now embarking upon an old growth forest strategy,
23 there's evidence of that, so -- and especially in the
24 case where there's so little of this forest type left,
25 that there needs to be some protection if we agree,

1 even if we don't all agree in all of the values, even
2 if we only agree on some of them, that in fact we won't
3 have those values unless we do protect what is left,
4 and if we agree that this ecosystem is endangered, I
5 just, I can't see allowing the cutting of any more of
6 these stands, because the more we cut the less the
7 potential is to attain the understanding that we need
8 of these systems and the other values.

9 And one that I didn't go into was the
10 educational value. And environmental education is
11 cropping up everywhere. You know, you see newspapers
12 like the Globe and the Sun having special sections, you
13 see all these earth day activities and radio stations
14 and TV stations all combining their efforts to
15 effectively promote the fact that we need to save and
16 protect and manage our environment.

17 Q. Does your belief that there should be
18 some protection extend beyond white pine to other
19 species?

20 A. Yeah, sure. White pine isn't the
21 only species that is harvested for fiber, it's not the
22 only species that may in fact be in danger in terms of
23 natural forests or old growth forests that are left of
24 these types.

25 I mean, there's red pine, there's jack

1 pine, there's black spruce, there's yellow birch, sugar
2 maple, all kinds of white cedar, all kinds of various
3 forest types and combinations and community types that
4 include more than one species of course, and we have no
5 idea how much of these different types of forests are
6 left with respect to their natural conditions, the old
7 growth conditions.

8 Q. In your statement you say at one
9 point that:

10 "Forest management preoccupied with the
11 timber production has forgotten how to
12 observe the virgin forest and to follow
13 the hints of nature."

14 And for that you cite an author named
15 Milinsek. Why is it important? Why is it important
16 for forest managers to observe virgin forests and
17 follow the hints of nature?

18 A. Well, I opened with a statement
19 alluding to that; and that is, that it's been
20 recognized by forest scientists that forestry is based
21 on an understanding of the natural ecology of forest;
22 in other words, foresters attempt to mimic natural
23 processes in order to successfully regenerate the
24 forest.

25 And if we don't have these virgin or old

1 growth or natural forests to study we just cannot, in
2 my opinion, develop the best, most successful
3 management techniques that are going to sustain these
4 forests, and sustain the industry for that matter.

5 Q. What would you propose as a scheme
6 for protection of the old growth that you identify?

7 A. Well, there have been some figures
8 thrown about. It seems as though 10 per cent
9 protection of any given landscape - and what the
10 boundaries are of any given landscape I guess are
11 arguable - but it seems to me that from the literature,
12 the scientific opinion is that at least 10 per cent of
13 the landscape should be protected if we hope to attain
14 conservation that has a component of natural ecosystems
15 within it.

16 And part of the rationale there is the
17 need to have systems -- areas, protect areas that are
18 self-sustaining, and that's a whole other problem
19 because the vast majority of our protected areas are
20 too small to be naturally self-sustaining. So we need
21 our large protected areas that don't require human
22 assistance for self -- for maintenance.

23 Q. What size stand would meet that
24 requirement?

25 A. Well, that's the subject of a lot of

1 scientific research right at the moment. Minimum
2 viable population research is critical and is being
3 conducted, more and more of that kind of research is
4 currently being conducted because of the need to answer
5 that question, and one MNR document Parks and Natural
6 Heritage document cites 2,000 hectares as a minimum
7 size for what they consider to be big enough for a
8 protected area.

9 Now, there's no actual logic there in
10 terms of biology, at least that I could see in the
11 document, I don't know. It's going to vary from one
12 system to another depending on the kind of disturbance
13 regime that's involved, the kind of -- the silvics and
14 ecology, the species, the kind of human activities that
15 exist within the landscape adjacent and contiguous with
16 these areas.

17 So at this point in time all we know is
18 bigger is better, and I believe that 2,000 hectares is
19 too small. So other people have said 50,000 hectares.
20 So there -- all we know is that something like the size
21 of Quetico in some peoples' opinion is the minimum
22 size.

23 Q. So what should one do then if one
24 comes upon a 200-hectare stand of old growth forest?

25 A. Well, I think what we need to do is

1 to have an understanding of how rare it is. I think
2 what we need to do is know the status of the kind of
3 forest that makes up that area; in other words, is it
4 an endangered ecosystem, is it threatened, is it rare,
5 is it none of the above. If it's none of the above,
6 then maybe it makes sense to manage it for fiber.

7 But if it happens to be rare, threatened,
8 endangered, in my opinion, we shouldn't touch it in
9 terms of fiber production, what we should do is begin
10 to study it, understand -- get the best understanding
11 we can have of how the system regenerates and, if
12 necessary, develop techniques to maintain the integrity
13 of the stand.

14 Q. One thing I should ask you, and
15 that's a specific thing that deals with the numbers on
16 page 22 of your statement, you say that:

17 "Even in light of the critical state of
18 old growth white pine forests, only 31
19 per cent of Ontario's known old growth
20 white pine forest is currently being
21 legally protected from logging."

22 However, in one of the appendices --

23 A. In a table I have 41 per cent.

24 Q. Yes, right.

25 A. And the 41 per cent is a typo. If

1 you go to the table prior -- previous to that table,
2 there are two columns, and if you just divide one by
3 the other you get 31 per cent.

4 If you go to Table 4 and you divide the
5 area protected for Ontario by the total area remaining
6 you get 31 per cent, and so that is either my mistake
7 or the typist's mistake, but it's an error.

8 Q. So the other 69 per cent of -- that
9 isn't legally protected, is this all in stands that are
10 too small to have merited protection on the basis of
11 definitions of a stand of minimum size?

12 A. No.

13 Q. Or is there other reasons why they
14 aren't?

15 A. I guess the other reason why is
16 because no one's really bothered to figure out how rare
17 these systems are and because there is, from what I can
18 ascertain, quite a demand out there still for cheap
19 white pine logs and what better way to have minimum
20 cost and maximum production than going and cutting the
21 old growth forest.

22 Q. You say that these are known old
23 growth. Does that mean that they are known to the
24 Ministry's and mapped and beyond question?

25 A. Well, it means that they're known to

1 somebody and that I've been able to track that person
2 or those people down, or that publication down and
3 include it in my list.

4 Q. Do you think there should be some --

5 MADAM CHAIR: Excuse me, Dr. Quinby.

6 THE WITNESS: Yes.

7 MADAM CHAIR: Where is the 31 per cent of
8 protected old white pine?

9 DR. QUINNEY: Well, actually I provided a
10 table as a result of the interrogatories and that table
11 is the basis for a publication that I'm currently
12 putting together, and if you look at that table - which
13 I don't have in front of me - there's a list of the
14 known old growth white pine stands in Ontario and it
15 shows the location of these stands and it also shows
16 the sizes of these stands and gives the stands a name.

17 MADAM CHAIR: Do you want to help us, Mr.
18 Zylberberg, because I haven't got that table. Well, I
19 might have gotten it.

20 MR. ZYLBERBERG: I'm looking for it
21 myself.

22 THE WITNESS: No, it's in the original
23 statement.

24 MR. CASSIDY: I saw it. It's not in the
25 interrogatory copy that I got either.

1 MR. ZYLBERBERG: Unfortunately that is
2 with our case manager who went to the airport to look
3 for another witness. I think -- can we ask you to ask
4 that question again in about a half an hour and we will
5 have the answer and the table.

6 MADAM CHAIR: That's just fine. We just
7 wanted to make it clear, Dr. Quinby, that the Board is
8 interested in knowing what these statistics mean?

9 THE WITNESS: Sure. Yeah.

10 MR. ZYLBERBERG: Q. Should there be some
11 special method, do you think, of addressing old growth
12 protection in the timber management process?

13 A. Yeah. I believe that whenever
14 there's any kind of a threat to old growth forests that
15 there should be some way for whatever activity
16 threatens it to link into making decisions about
17 whether it should be affected or not, and I think that
18 because timber management is one of the major --
19 represents one of the major threats to these systems,
20 that there should be some formal way of dealing with or
21 considering whether the old growth forests that are
22 encountered should be protected or not.

23 Q. Is there debate among forest
24 scientists as to just what is or is not a stand that's
25 worthy of protection?

1 A. That gets to the minimum size
2 question. It may be that a stand that's -- let me back
3 up a minute.

4 When I was doing my initial survey or
5 inventory of the old growth stands that are left in the
6 United States and Canada, I felt I will use a minimum
7 size of five or ten or hectares, I think it was ten
8 hectares, and I found that many of the stands in the
9 United States are only one, two, three, five hectares
10 in size and they are protected.

11 In Michigan and North Carolina, in Maine,
12 in Wisconsin and Pennsylvania and New York, to them a
13 stand of one or two hectares is important enough to
14 protect, but some scientists would say: Well, there is
15 no doubt that you're going to have to do something in
16 that stand if you want to maintain it as an old growth
17 white pine stand.

18 So it all depends, I suppose. It's all
19 relative. If one political jurisdiction feels that
20 they've got plenty of big ones, then they may say:
21 Well, we are not concerned about the small ones. I
22 think it all depends on what is left. It depends on
23 whether it's rare, whether it's threatened, whether
24 it's endangered. The status of that system has to come
25 into play in making decisions about a minimum size.

1 MR. ZYLBERBERG: Subject to our finding
2 that appendix, which we will find this morning, can I
3 turn the floor over to you, Madam Chair, for questions.

4 MADAM CHAIR: Mr. Cassidy, are you going
5 to be cross-examining Dr. Quinby?

6 Ms. Gillespie, do you have any questions
7 for Dr. Quinby?

8 MS. GILLESPIE: No.

9 MR. MARTEL: Have you looked at any of
10 the white pine regeneration that is occurring in
11 Algonquin for comparison?

12 THE WITNESS: That's something that I
13 want to do at some point. I did do my Ph.D work in
14 Algonquin and I did sample almost -- I believe it was
15 almost 20 stands of white pine and I do have data on
16 it, but I have not gotten around to looking at it. My
17 Ph.D was oriented differently.

18 No, I haven't personally looked at
19 regeneration there, but I have spoken with people who
20 have been out in the field and have observed it and
21 have said that there are certain methods, like group
22 selection, for example, that have been applied over
23 there that seem to be working quite well. I haven't
24 personally observed that.

25 MR. MARTEL: The difficulty that seems to

1 be encountered is, well, no what matter what you do
2 these forests are going to last 140 years.

3 If one starts to look at it from that
4 perspective, then it might skew because the other
5 forests are going to last maybe 100 or 110 if it is
6 black spruce or even less and somehow this keeping
7 moving.

8 Regardless of what we do as a society
9 some of it will degenerate, burn, you move to a
10 different area and what was kind of young at one time
11 all of a sudden is now up there at a hundred years. I
12 don't know how we put that all in context.

13 THE WITNESS: Well, I think we have to
14 remember that we're dealing with trees and we're
15 dealing with forests and that it is very hard to put an
16 age on a forest. It's easy to put an age on a tree,
17 and that a forest is such a complex interwoven set of
18 relationships between so many species, species we
19 probably haven't identified even in Canada, that it's a
20 very difficult thing to get a handle on.

21 I think if we do view it as a system and
22 we do view it as a landscape and we do recognize, like
23 you say, that there are constraints in terms of what
24 these species have to deal with and the various maximum
25 ages and effects on the ability of these species to

1 grow, then I think that we're going to be better off.

2 I'm not sure that we can say right now
3 that we have the answers, but I do believe that what we
4 need to do is set up a very rigorous system of research
5 and management where the research results are fed
6 directly back into the management and then management
7 is improved based on those results, and it's a cyclical
8 kind of process, but right now I don't see that
9 happening.

10 One of the terms that has been used for
11 that is adaptive environmental management. It makes a
12 lot of sense to do that but, as I said, there are very
13 few places where that kind of a system is set up. I
14 mean, even in Algonquin it's not working that way and
15 people point to Algonquin as being one example of the
16 best forest management in Ontario and it's not
17 happening there.

18 MADAM CHAIR: Mr. Cassidy?

19 CROSS-EXAMINATION BY MR. CASSIDY:

20 Q. Dr. Quinby, I listened to your
21 evidence this morning and as I understand it one of
22 your primary concerns about protecting old growth is
23 for the purpose of studying so we have a better
24 understanding of the natural forest.

25 I take it then -- and as a result you

1 want to protect it from cutting, correct?

2 A. Well, I believe that there are all
3 kinds of activities that threaten the health of the
4 forest. I believe that cutting in terms of -- if you
5 are referring specifically to fiber harvesting for
6 fiber production or logging, that that is one of the
7 threats and there are others that can be controlled and
8 there are others that can't be controlled.

9 Q. And there are others that should be
10 controlled so that you could persue that study of the
11 old growth, correct?

12 A. I believe there are probably some
13 other activities that could be regulated. I would
14 probably be better off if you would give me some
15 examples.

16 Q. As I understand it, you don't want to
17 cut old growth because if you cut it it is gone
18 essentially. That's one of your thesis; is that
19 correct?

20 A. If you log the old growth forest you
21 are going to significantly change that ecosystem
22 depending on what kind of technique you use, of course,
23 but in most cases there is going to be a change to that
24 ecosystem.

25 Q. Well, in my rather simple

1 understanding of it, if it burns down it is going to be
2 gone as well, correct, or significantly change the
3 ecosystem?

4 A. If it burns down. I'm not sure what
5 you mean. Because of a natural fire or...

6 Q. Yes, natural fire.

7 A. My understanding of natural fire is
8 that the vast majority of natural fires are
9 non-catastrophic, but if you had a catastrophic fire by
10 definition you would lose the forest.

11 Q. Right. And that would be harmful to
12 your effort to continue to study it, so you would want
13 to protect it from catastrophic fire for the same
14 reasons that you would want to protect it from cutting,
15 correct?

16 A. Well, I think it would depend on the
17 context.

18 Q. We are talking in the context of
19 catastrophic fire.

20 A. I know, but you haven't said anything
21 about geography.

22 Q. I am talking about old growth forest
23 that you were talking about, the .2 per cent that you
24 claim is endangered.

25 A. Right.

1 Q. I am simply asking you, would you
2 agree with me that if you want to protect it from
3 cutting because you want to keep it around, you would
4 also want to protect it from catastrophic fire?

5 A. What I'm trying to explain to you is
6 that it dependd on the size of the area.

7 Q. Right.

8 A. I mean, if we want to develop an
9 approach to management that is as natural as possible,
10 then theoretically we would want to allow some natural
11 fires to burn.

12 So that's why I'm saying it depends on
13 how large the area is. If the area was large, then it
14 might be -- like they did in Yellowstone, for example,
15 they let the fire burn.

16 And, in fact, in Ontario there is a
17 policy that states for nature reserves and in some
18 parks that they will allow some natural fires to burn.
19 The policy says it's possible if the decision maker or
20 the managers, you know, so decide to allow that to burn
21 because they recognize that it is an important feature
22 of the natural landscape.

23 Q. In fact, in Pukaskwa National Park
24 there is a fire policy. Are you aware of that?

25 A. Actually, I'm was not -- I'm aware

1 that there is a fire policy. I'm not aware of the
2 details of it.

3 Q. So you are not aware that there is a
4 policy that allows for natural fire to occur and, in
5 fact, deliberate fire setting in Pukaskwa National
6 Park? You are not aware of that?

7 A. As I said, I'm aware that there are
8 such policies, but I'm not aware of the details of that
9 policy.

10 Q. You talked about an area, a size that
11 comes to mind as a size that would warrant protection,
12 and you were talking about an area the size of Quetico
13 Park, would be the type of size you would have in mind.

14 A. I specifically said that there are
15 some experts that say that. I didn't say that I said
16 that.

17 Q. What's your view?

18 A. Well, I think Quetico is big enough,
19 but I don't know if we can afford to have something
20 smaller or not. What I do know is that we need to
21 study it. We need to look into it. I don't know and
22 most people -- nobody really knows, but what we do know
23 is that bigger is better.

24 Q. Okay. I want to show you an excerpt
25 from a study regarding Quetico Park and old growth

1 forest and get your comment on it.

2 This is an excerpt from an old growth
3 forest symposium, Madam Chair, that took place in 1990
4 at the university of Toronto.

5 I have exercepted a portion of a paper by
6 Professor Robert Day who is a professor at Lakehead
7 University.

8 Q. Do you know him or know of him?

9 A. I've met him.

10 MR. CASSIDY: He is a professor of
11 forestry at Lakehead University, and perhaps for the
12 record we can make this an exhibit, Madam Chair, and I
13 will describe it.

14 MADAM CHAIR: This will become Exhibit
15 2191.

16 MR. CASSIDY: Being an excerpt of two
17 pages from the Old Growth Forest Symposium of January
18 20th, 1990, including the cover page. It is three
19 pages in total.

20 ---EXHIBIT NO. 2191: Three-page excerpt from the Old
21 Growth Forest Symposium of
22 January 20th, 1990.

23 MR. CASSIDY: Q. They talk about Quetico
24 Park and if you look at the page I have exercepted, Dr.
25 Quinby, on page 106.

1 A. So you want me to read page 106?

2 Q. We will get to it in a minute. At
3 page 106, it indicates in what appears to be the second
4 full paragraph that:

5 "As there have not been any major fires
6 in Quetico Park since 1976 it would
7 appear fire protection has now
8 effectively stopped the reproduction of
9 the fire origin intolerant species for
10 which the park is famous."

11 It refers in the next sentence to those
12 species being jack pine, black spruce, trembling aspen,
13 white birch and red and white pine, and it says:

14 "They are now in the process in that park
15 of being replaced by tolerants such as
16 balsam fire and hardwood shrubs."

17 So, in fact, I suggest to you, Dr.
18 Quinby, that it seems clear in the case of the example
19 you chose, Quetico, that fire is a necessary form of
20 disturbance or some form of disturbance is necessary
21 for the perpetuation of the very species you are trying
22 to protect because in Quetico Park it seems like it is
23 now being replaced in a protected forest?

24 A. I don't see any data associated with
25 this. All I see is a few words that say 'it would

1 appear'. I mean, are there any data tables in here?

2 Q. You are not in a position to disagree
3 with this--

4 A. I have already said--

5 Q. --or comment on it?

6 A. --that natural disturbance
7 facilitates regeneration. What I think what I'm trying
8 to get at is catastrophic fire is not the only
9 disturbance that white pine can respond to in terms of
10 regeneration. That was what I said.

11 Q. So notwithstanding the situation
12 that's occurring in Quetico Park that those fire
13 intolerant species are now being replaced --

14 A. Fire what?

15 Q. I'm sorry, those species such as
16 white pine and red pine and jack pine and black spruce.

17 Notwithstanding the experience in Quetico
18 Park that these in fact are being replaced by tolerants
19 such as balsam fir and hardwood shrubs, you still
20 maintain your position that you don't need disturbance
21 to perpetuate white pine?

22 A. Well, I think what I've said is that
23 you don't necessarily need catastrophic disturbance.

24 Q. I see.

25 A. That's what I said.

1 Q. That's because of your experience in
2 Obabika Lake?

3 A. That's because of my experience
4 studying white pine in Temagami and also because of
5 some studies, including Bob Day's work, in Temagami
6 that have shown the same thing, that there is a
7 continuous recruitment of white pine in some stand
8 types.

9 Q. But in your evidence-in-chief you
10 specifically referred to the Obakika stand as being the
11 example of where that occurred?

12 A. That's where my most recent intensive
13 study took place, that's right.

14 Q. And in that evidence, looking at page
15 9 and 10 -- do you have your witness statement?

16 You referred to that study and perhaps
17 you can help me on page 10. You state that:

18 "Without the large white pine forest at
19 the north end of Obabika Lake..."

20 That's at the top of page 10, Madam
21 Chair.

22 You say:

23 "Without the large natural white pine
24 forest at the north end of Obabika Lake
25 it would not have been possible to obtain

1 this very valuable forestry knowledge."

2 What is that very valuable forestry
3 knowledge you are talking about?

4 Is it the knowledge that white pine
5 regeneration was particularly successful on the ridge
6 tops?

7 A. What I'm referring to specifically in
8 that case is that in order to develop silvicultural
9 practices that will maximize the success of white pine
10 regeneration we have to understand the ecology of white
11 pine.

12 In order to do that we need to study
13 systems that have environmental gradients, complex
14 environmental gradients that involve the variety of
15 habitat conditions that influence the seed production,
16 the seed dissemination, the germination and
17 establishment and early growth including competition
18 and including micro-environmental variables and all the
19 various factors that are -- you know, disease, insects,
20 all these things and the best changes we have of
21 studying all those various system variables is in the
22 largest system that we can find.

23 You know, we're pretty much restricted to
24 what's left, but we know that bigger is better so that
25 is the kind of system we seek out to do these kinds of

1 studies.

2 Q. I don't understand what is peculiar
3 about Obabika Lake which would lead you to those
4 conclusions. We've heard evidence for four years about
5 the need to study those things and all the different
6 types of levels of the ecosystem all over the province.

7 What is it that is unique?

8 A. Sorry, I don't mean to --

9 Q. What is this without the large
10 natural stands at Obabika Lake that it would not have
11 been possible to obtain this valuable forestry
12 knowledge?

13 A. It's the largest stand of old growth
14 white pine left in the world that we know of.

15 Q. Right. What was the knowledge that
16 you gained from that stand? Was it the knowledge that,
17 in other words, the dryer, more open conditions on
18 ridge tops and hill tops are very conducive to white
19 pine regeneration?

20 A. That's part of it.

21 Q. And you are saying without the
22 Obabika Lake study which you did in 19 -- was it 1990?

23 A. That's right.

24 Q. 1991 I should say. You are saying
25 that without that study we wouldn't have known that the

1 dryer, more open conditions on ridge tops are very
2 conducive to white pine regeneration?

3 A. I'm saying that without studies that
4 focus on systems like this we are never going to
5 understand the ecosystem aspects of white pine forest
6 regeneration or any forest regeneration for that
7 matter.

8 Q. That's fair enough. Was it your
9 study at Obakika Lake that discovered that white pine
10 regeneration is particularly successful in ridge tops?

11 A. No. There have been other
12 researchers, Horton and Bidelle and Brown was another
13 researcher, that had identified that topography does in
14 fact influence regeneration.

15 So I'm saying that my work was the
16 seminal work, but what they didn't do is they didn't
17 specifically get into the variables that influence the
18 successful regeneration.

19 Q. That's why I am curious, Dr. Quinby,
20 because I took a look, I pulled these -- we have a lot
21 of exhibits here and I just pulled the Silvicultural
22 Guide for the White Pine and Red Pine Working Group in
23 Ontario, and that's Exhibit 1601, and I have got copies
24 of the pages I was looking at if you want them. I just
25 pulled that out. That was written two years before

1 your study.

2 A. What are we talking about here?

3 Q. I will give you a copy of the page I
4 am looking at. You have heard of the Silvicultural
5 Guide for White Pine and Red Pine Working Groups in
6 Ontario.

7 A. Yes.

8 Q. In fact, you even referenced it in
9 your paper.

10 It is Exhibit 1601, Madam Chair. I don't
11 propose to make this an page an exhibit since the whole
12 thing is an exhibit.

13 In fact, two years before your study this
14 guide was published and it, in fact, said that:

15 "White pine and red pine are most
16 abundant on ridge tops where conditions
17 favouring...wildlife...occur."

18 I mean, it made that observation without
19 any reference to Obakika Lake.

20 A. You mean wild fire?

21 Q. Yes, where conditions favouring wild
22 fire occur. I am really lost as to the significance of
23 this Obakika Lake study when, in fact, the
24 silvicultural guideline had it discussed two years
25 before.

1 With the greatest of respect, it sounds
2 like you made a rather glaring insight into the
3 obvious.

4 A. Does the silvicultural guideline talk
5 about why it is that that happens?

6 Q. Well, you referenced it in your
7 paper. I assume you are familiar with it. If that's
8 your criticism as to why it happened, it made the
9 observation that ridge tops, which is what you have
10 said, the dryer, more open conditions where fire is
11 more frequent are conducive to white pine regeneration?

12 A. Okay. The other point that I want to
13 make is that the information presented in these
14 silvicultural guidelines is based on studies done back
15 in the 50s and the 60s before most of these -- I don't
16 know how many large old growth stands were left at that
17 time, but I'm confident in saying that there certainly
18 were more at that time for those scientists to make
19 observations in.

20 Q. So a guide written in 1989 stopped
21 its research in the 1950s and 1960s, is that your
22 position?

23 A. No, I'm saying that the scientific
24 research that's it is based on was conducted back in
25 the 50s and the 60s because those scientists that write

1 the guidelines, they look at existing -- they look at
2 research that's been done in the past and, fortunately,
3 they just don't just use their opinions.

4 Q. I'm sorry?

5 A. I said fortunately they base their
6 guidelines on existing research data that's been
7 gathered as opposed to opinions.

8 Q. And they stopped -- they closed their
9 eyes to any research subsequent to the 1950s and 60s,
10 is that your position?

11 A. No, what I'm saying is that the
12 research that it's based on was done much earlier than
13 when the guidelines were written, and at that time
14 there were many more white pine systems that were large
15 enough that could have been very comparable to the
16 Obakika stand.

17 Q. Fair enough. Whatever the reason
18 was, I am suggesting to you that the research that you
19 claim was very valuable in fact was well known in the
20 forestry community before you even did it?

21 A. Well, I think that if you look at the
22 details of what report presents that you won't find
23 those details in any of those other reports.

24 Q. I see, okay. Now, you were talking
25 about some of these values of the natural forest and I

1 guess you equate a natural forest with an old growth
2 forest, right?

3 A. They have very similar
4 characteristics but, as I said, an old growth forest in
5 some opinions, according to some experts, can have a
6 minimal amount of human disturbance and other experts
7 might say that a natural forest would not have a
8 minimal amount of human disturbance.

9 They would say: Well, when we talk about
10 a natural forest we are talking about one that has no
11 human disturbance, but the problem is that there aren't
12 too many places where you can go on earth these days
13 without some evidence of human activities. Even in the
14 Arctic, you know, they are finding chemicals and --

15 Q. Let's stick to the area of the
16 undertaking. It is pretty big, all right.

17 If I can take you to what you were
18 talking about being the values of -- I think you were
19 talking about the natural forest acts as a sponge.
20 Remember you were talking about --

21 A. It absorbs moisture, yes.

22 Q. Canopy, solar radiation, protection,
23 things of that nature?

24 A. Yes,

25 Q. Is it your position that all those

1 values are only contained with species that are older
2 than 140 years or stands that are older than 140 years?

3 A. No.

4 Q. In fact, any forest could provide
5 those values; is that correct?

6 A. Well, what do you mean by any forest?
7 I guess I would need a definition of that.

8 Q. What I am getting at is I don't see
9 that only an old growth forest can provide those
10 values.

11 A. Well, I think that an old growth
12 forest probably is better at providing those values
13 than other forests, especially if you are including
14 forests that are periodically logged because when a
15 forest is periodically logged, as you probably have
16 been exposed to through the hearings, there can some
17 environmental impacts that would occur to reduce the
18 ability of the canopy to protect the soil from
19 rainfall.

20 For example, when the overstory is
21 removed there could be losses of soil because of
22 harvesting that would then decrease the ability of that
23 soil to absorb and there could be compaction which
24 would result in overland flow.

25 Q. Dr. Quinby, you use the word could a

1 lot. I suggest to you in fact that last discussion was
2 speculation on your part.

3 You have not done any studies that do a
4 comparative analysis of the ability of a younger stand
5 to achieve all of those values as compared to an old
6 growth stand?

7 A. Well, no, I never said that I did any
8 studies on it.

9 Q. So you speculated?

10 A. I did some reading about it. I have
11 read quite a few studies that have looked at the
12 impacts of forestry harvesting. I would like to study
13 that, though.

14 Q. I'm sure you would.

15 A. If you know any sources of funding...

16 Q. Black spruce and jack pine, are they
17 endangered in your view, Dr. Quinby?

18 A. As species or as old growth
19 ecosystems?

20 Q. Take your pick.

21 A. As species, no they are not
22 endangered. As old growth ecosystems, I really don't
23 know. I would rather see some information on that,
24 some studies.

25 Q. All right.

1 A. I would tend to think that since they
2 cover such vast areas of northern Ontario and other
3 parts of northern Canada that they probably are not.

4 Q. Now, with respect to -- first of all,
5 let me just clear up something. You are not a
6 registered professional forester; are you?

7 A. No, I am not.

8 Q. In fact you've not managed a forest
9 at any time; have you?

10 A. No, I have not.

11 Q. Let me -- I want to get some
12 understanding of this form of disturbance you're
13 talking about. Is it your view that single stand
14 selection harvesting should be used to regenerate white
15 pine?

16 A. Single stand selection harvesting,
17 what's that?

18 Q. Yes. I'm sorry, single tree
19 selection harvesting.

20 A. I think we should look at some
21 experiments that would evaluate that possibility. I
22 would like to also, however, include various levels of
23 group selection as well to see what would happen.

24 Q. Well, perhaps you can answer my
25 question: Should it be used, or are you saying not

1 without further study?

2 A. Well, should it be used? As you
3 said, I'm not a professional forester, so I have to say
4 this is out of my area of expertise.

5 Q. Okay, fine. That's fine. That's
6 fair enough. If you don't want to -- if it's out of
7 your area of expertise, I'm not going to push you
8 outside?

9 A. I'd say in some cases it might make
10 sense to do that, yes.

11 Q. But that is outside your area of
12 expertise?

13 A. What's that?

14 Q. Well, the answer to my question.

15 A. I'm getting confused here. I wish
16 you could just back up a bit and ask --

17 Q. Is it your view that single tree
18 selection harvesting should be used to regenerate white
19 pine? I thought it would be a yes or no answer. If
20 you want to add qualifications, go ahead.

21 A. Okay. I think that in some cases it
22 is reasonable to use single tree selection. In fact,
23 it's being used by a Native community in Minnesota to
24 manage white pine.

25 Q. All right. Are you aware that the

1 silvicultural guide, Exhibit 1601, which we have talked
2 about, which I assume you're familiar with because
3 you've referenced it in your material, nowhere
4 recommends the use of single tree selection harvesting,
5 in fact it does not recommend the use of selection
6 harvesting at all with respect to white pine
7 regeneration. Are you aware of that?

8 A. Yes, I am.

9 Q. All right I guess you take issue with
10 that too; do you?

11 A. Well, I think that we should be more
12 flexible in terms of considering management options for
13 white pine forests, including selection.

14 Q. So I take it you take issue with the
15 silvicultural guide then?

16 A. I think that they should expand their
17 concerns, yes, I do.

18 Q. All right. Now, I want to take you
19 to that Table 2 in your witness statement. It's at the
20 back, I believe it's on page 40. You may also want to
21 look -- refer to Table 3 in your answers, Dr. Quinby,
22 on page 41, again at Tab 7, Madam Chair.

23 A. Table 2? Okay. So we are talking
24 about page 40 and 41?

25 Q. Yes. And in your evidence this

1 morning you were talking about, and Mr. Zylberberg was
2 asking you right at the beginning about, basically as I
3 understand it, your definition of old growth, and is it
4 fair to say that in fact the age is in fact a critical
5 part -- the age of a stand and your definition of what
6 is old growth by age is a critical part of that
7 definition?

8 A. I would say that in this particular
9 presentation of preliminary minimum standards that,
10 yeah, I mean if it's going to be applied and I say it's
11 140 years of age, then that is definitely one of the
12 criteria.

13 Q. There is no generally accepted
14 definition of old growth at the present time; am I
15 correct on that?

16 A. Well, I think that what's happening
17 is that we are moving much closer to coming up with
18 quantitative definitions in many parts of North
19 America.

20 Q. So you're making progress, you being
21 the scientific community?

22 A. And I think what's happening is that
23 for certain forest types, such as the white and the red
24 pine in Temagami, for example, that I think what this
25 table provides is a good start towards that.

1 Q. Okay. Perhaps you can answer my
2 question. There is, as yet -- you tell me you're
3 making progress, there's a good start, but there is not
4 yet generally accepted definitions of old growth?

5 A. Well, I guess that -- what it all
6 boils down to is who is trying to agree on it.

7 Q. I was talking about the scientific
8 community.

9 A. The scientific community hasn't even
10 gotten together to deal with it in a comprehensive way.

11 Q. Is that in fact is your
12 understanding. I think you're on the scientific
13 advisory committee as is -- and Ms. Lloyd is on the
14 actual old growth study group.

15 A. Policy group.

16 Q. And in fact that's part of the
17 exercise; is it not, is to get that process jump
18 started?

19 A. Yeah, it is.

20 Q. So in fact there's progress being
21 made but, as you just said, the scientific community
22 hasn't even got its act together yet on old growth
23 definitions; is that fair to say? I think you just
24 said that.

25 A. For all old growth forest types, yes,

1 but I guess what I'm also saying for the Temagami
2 region I feel this is an accurate characterization of
3 old growth forest.

4 Q. All right. In your view?

5 A. Well --

6 Q. It's your definition?

7 A. I feel that way.

8 Q. Right. Now, I'm looking at the age
9 you were talking about and that's 140 years, and on
10 Table 2 you suggest, if I look at that middle column,
11 Madam Chair, white pine conifer, do you see that, Dr.
12 Quinby?

13 A. Yes, white pine conifer.

14 Q. You say that - and correct me if I'm
15 wrong - but as I read that it suggests that if 10 trees
16 or more per hectare are greater than 140 years old, is
17 it fair to say that that hectare then would become an
18 old growth stand, if you will?

19 A. Well, it's important to look at the
20 other features as well, mainly the snags and the logs.

21 Q. I understand it's important, but in
22 fact I understood your evidence this morning to suggest
23 that in fact the most important criteria is the age and
24 that that will be the dominant criteria.

25 A. Well, I don't think that at this

1 point we can really say. I mean, that's the whole
2 reason for taking a multi-variable approach to the
3 definition, is that we can't exclude certain variables.

4 Q. The minute that you find 10 trees of
5 140 years of age in a hectare it automatically becomes
6 an old growth stand; does it not?

7 A. No, no, no.

8 Q. So you could have 11 trees that are
9 140 years old in a hectare and it would not become an
10 old growth hectare?

11 A. Well, according to these minimum
12 standards it's necessary to have greater -- let's see
13 here, greater than 60 snags per hectare that are of 10
14 centimetres diameter or greater and at least two metres
15 tall, and also at least 17 metric tonnes per hectare of
16 logs, and at least 10 pieces per hectare that are 28
17 centimetres diameter or more and eight metres long.

18 So there are a number of variables that
19 go into defining the old growth forests.

20 Q. How limiting are those other
21 variabilities. If one could find a large number of
22 hectares out there that have a stem count showing
23 greater than 10 trees, is it your evidence, is it your
24 opinion that those other factors that you're talking
25 about will in fact reduce that, there will be less

1 number of stands that will actually be caught because
2 you won't have those other factors taking place?

3 A. Well, I would say that without
4 including those other variables that we would not call
5 it an old growth stand, we would probably call it a
6 plantation because that's probably what it would be.

7 Q. All right. If an inventory then in
8 the Temagami area or surrounding area showed a large
9 number of stands that are greater than 140 years of age
10 by your definition, say 11 trees per hectare, you would
11 not then include those as old growth unless they met
12 those other criteria; is that correct?

13 A. For the Temagami region, if we're
14 talking just about Temagami here?

15 Q. Yes, and surrounding area.

16 A. What do you mean surrounding area?

17 Q. I'm talking about some of the forest
18 north of Temagami and west.

19 A. Well, I would like to restrict my
20 preliminary minimum standards to a defined geographic
21 area.

22 Q. Okay.

23 A. Because that's where the data were
24 collected and that's -- I...

25 Q. all right. You would not feel

1 comfortable extrapolating that data beyond and this
2 definition beyond the Temagami region; is that correct?

3 A. Right.

4 Q. Okay. Can you describe the Temagami
5 region briefly then that you would consider to be
6 caught by this?

7 A. Well, I suppose the area from Lady
8 Evelyn Smoothwater Park over east towards -- or down
9 towards the Town of Temagami and then the Town of
10 Temagami down to the southern tip of Lake Temagami and
11 then over to the Sturgeon River to the west and then up
12 the Sturgeon River and then back over to the park,
13 approximately.

14 Q. Okay. All right. Thank you.

15 MR. CASSIDY: Madam Chair, I am going to
16 be about another half hour. Would you wish to take the
17 morning break now?

18 MADAM CHAIR: Is it convenient for you,
19 Mr. Cassidy?

20 MR. CASSIDY: Yes, it is.

21 MADAM CHAIR: Dr. Quinby, let's take a
22 15-minute break.

23 THE WITNESS: Okay.

24 ---Recess at 10:25 a.m.

25 ---On resuming at 10:40 a.m.

1 MADAM CHAIR: Mr. Zylberberg.

2 MR. ZYLBERBERG: Thank you, Madam Chair.

3 As we resume, the appendix that you had asked about
4 that had been promised in the interrogatories but left
5 out has been located and has been circulated. Perhaps
6 it should be given an exhibit number.

7 MADAM CHAIR: Yes, we will make this
8 Exhibit 2192, and this exhibit consists of five pages
9 and it is called Appendix 1, Known Old Growth White
10 Pine Stands in Ontario and the table shows the reserve
11 name, the status as being legally protected or
12 unprotected, the location and the size in hectares and
13 there are two figures accompanying three pages of this
14 appendix.

15 ---EXHIBIT NO. 2192: Appendix 1 entitled: Known Old
16 Growth White Pine Stands in
17 Ontario consisting of three pages
and two figures.

18 MR. CASSIDY: Q. If I might begin my
19 questioning by asking a question about this appendix
20 which I just received.

21 You compiled this list of known old
22 growth white pine stands in Ontario which is this
23 Appendix 1?

24 A. Yes, I did.

25 Q. Did you use the definition which we

1 were just talking about, the definition described in
2 Tables 2 and 3 of your witness statement of old growth?

3 A. No, I didn't. What I did do -- are
4 you asking me what I did do?

5 Q. That's right.

6 A. Okay. What I did do is, in order to
7 put together this survey of old growth, what we think
8 is old growth white pine remaining in the United States
9 and Canada as I -- one of the problems was the fact
10 that I was dealing with a number of experts and, in
11 many cases, I had to use personal communication with
12 these people via letters.

13 So in order to simplify things in order
14 to compile such a vast dataset that did cover such a
15 huge geographical area is I simplified the criteria for
16 what would be considered in this case an old growth
17 white pine stand.

18 So basically two criteria were used, one
19 was that the trees be 140 years or older; and, two,
20 that the stand be dominated by white pine, and this way
21 then I would be able to get a listing then of -- the
22 best available list anyway for what is old growth white
23 pine in North America.

24 Now, the problem with that is that we
25 need to do field work and very little field work has

1 been done in order to look at the other features. So
2 in actuality what it means is that the amount that's
3 left, according to these data, is probably lower than
4 what we see there because once we go to the field we
5 may find that it was managed at one time and it doesn't
6 actually fit the definition.

7 So this is really -- those were the best
8 available criteria to use in putting together this
9 regional survey.

10 Q. All right. Well, the second
11 criteria, dominated by white pine then, what is the
12 definition of a stand being dominated by white pine?

13 A. Well, basically what I described to
14 the people that I was communicating with is that it
15 made up the greatest percentage of the composition in
16 the stand of the trees.

17 Q. You mean it had the highest
18 percentage?

19 A. Yes.

20 Q. And I guess you were not concerned
21 then about these other criteria in Table 2 for these
22 purposes of snags?

23 A. Well, not for these purposes because
24 you have to do some detailed field work in order to get
25 a handle on logs and snags and very little of that work

1 has been done.

2 Q. Would it be fair to say then you
3 would wish some caution to be exercised when evaluating
4 the actual validity of this appendix?

5 A. What I'll need to do when I prepare
6 my report is to say that very likely some of these
7 stands will have to be excluded as old growth because
8 the next step is to perform field work and in
9 performing such field work it may be necessary to
10 exclude some of them.

11 Q. All right. I want to turn you to
12 Table 7 of Exhibit 2188 and that can be found on page
13 22 of Exhibit 2188. Now copies were not provided by
14 Northwitch -- watch of that.

15 A. Freudian slip.

16 Q. I'm not going to make any comment on
17 that. Copies were not provided by Northwatch of that
18 exhibit so I got a copy of Table 7 which is on page 22
19 of that exhibit and have circulated it just for the
20 ease of our questioning here this morning.

21 And, Dr. Quinby, this table talks about
22 the abundance of tree species in the understory or
23 regeneration by community type in I believe Shelbourne
24 Township area of Temagami region.

25 A. That's right.

1 Q. So this would be an example, would
2 you say, from one township of what the, shall we say,
3 the future is of that township by tree species?

4 A. Well, actually you've pointed out
5 something that's very interesting and that is that if
6 we look at these numbers what we see is that in the
7 understory there are some species that are more
8 abundant in terms of biomass than white pine.

9 Q. That's what I was actually interested
10 in. You're looking at the second column in, I think
11 you are, the PW/PR which is defined as white pine/red
12 pine?

13 A. Actually I'm all the way over at the
14 far righthand column.

15 Q. Okay.

16 A. Looking at seedling plus sapling
17 abundances.

18 Q. And that's exactly what I was
19 interested in because, as I see it, the white pine is,
20 for example, far outnumbered and even the white pine
21 and red pine when you add them together is far
22 outnumbered by the balsam fir and black spruce content.

23 A. Right.

24 Q. So in fact the regeneration
25 underneath -- and this is an old growth stand; right?

1 A. Most of these samples are from old
2 growth stands of various sizes, yeah.

3 Q. The natural forest that you called it
4 earlier this morning?

5 A. Yeah, mm-hmm.

6 Q. So that in fact you have in this area
7 in the understory very little white pine in comparison
8 to balsam fir and black spruce in the understory?

9 A. Well, I don't know if I would use the
10 term very little, but what I find interesting about
11 this is that, first of all, I think what we need to do
12 is recognize that various species have various life
13 history characteristics; in other words, there are
14 various strategies that species have evolved to deal
15 with the site conditions and with the competition and
16 with the disturbance, and if we look at balsam fir and
17 white spruce and red maple and white pine, they all
18 have very different strategies in terms of dealing with
19 the variables that control their survival and their
20 growth.

21 And one thing we know is that white pine
22 is more shade tolerant than red maple and probably as
23 shade tolerant as black spruce and not quite as shade
24 tolerant as balsam fir.

25 So, for example, you know, we need to

1 look at its ability to deal with the moisture, we need
2 to look at its resistance to disease, we need to look
3 at its growth rate and that, in fact, what might happen
4 is because white pine has a certain set of life history
5 characteristics in fact it may -- its abundance
6 relative to the other species in the stand over time
7 may increase.

8 Q. Well, that's, with the greatest of
9 respect, another may which sounds like speculation;
10 right?

11 A. Well, the only thing that I would do
12 is I would direct your attention to a table in that
13 same report that shows that the dominant species in the
14 log and the snag component was white pine, and so what
15 we know is that at least over one process of
16 replacement white pine has replaced itself.

17 So what that shows us directly, there's
18 evidence there, that in fact white pine can do that.
19 So then the question is: Well, is white pine going to
20 do it again. And given the historical evidence there's
21 a very good chance that it will.

22 Q. All right. Let's look at the
23 figures. In the far righthand column when you add up
24 the seedlings and saplings you get 18 per cent of the
25 stand -- of the tree species in that area being balsam

1 fir. Do you see that?

2 A. Mm-hmm.

3 Q. And when you add up the black spruce
4 you see 14.7 per cent.

5 A. Okay.

6 Q. And when you add up those two you get
7 somewhere around 33 per cent of the stand being those
8 two species.

9 A. Okay.

10 Q. Then when we get down to white pine
11 we see that in fact it makes up 6.8 per cent of the
12 stand understory.

13 A. Yeah.

14 Q. Has this area been the subject of
15 fire protection, to your knowledge?

16 A. Yes.

17 Q. All right. And it's your evidence
18 then that in a fire protection scenario white pine
19 will, in fact, overcome the competition from black
20 spruce and balsam fir and, in fact, become the dominant
21 stand; that's your evidence?

22 A. Well, it can do that in certain
23 circumstances and that's what is very interesting about
24 studying the old growth pine system, is to identify
25 that set of characteristics that does facilitate that

1 phenomenon.

2 Q. Well, I'm talking about a fire
3 protected stand which is what you said this one is
4 where fire suppression has been practised in the past
5 and I see the competition outnumbering what you prefer
6 as the species, being white pine--

7 A. Mm-hmm.

8 Q. --by 33 per cent to 6.8 per cent and
9 I'm suggesting to you that in a fire protected scenario
10 the future does not look good for white pine by your
11 own numbers?

12 A. Well, as I said, the species life
13 history features and characteristics determine what's
14 going to happen in the future, and we know that white
15 pine has certain features and characteristics that will
16 allow it to out compete some of these other species.

17 For example, we also know that even
18 though that area has been under fire protection that
19 the vast majority of fires are small, non-catastrophic
20 fires and that, in fact, according to the experts in
21 some areas many fires, many -- maybe as many as a
22 quarter to a third of the fires are never even reported
23 because they burn small areas and then they're put out.

24 So it could very well be that the white
25 pine that we're seeing here are in those gaps and that

1 there's not as much competition in those gaps. So that
2 what we need to do is look at the spacial relationships
3 between the white pine and the other species that are
4 there and, unfortunately, this study did not do that
5 and that is why we need to continue to do the work.

6 You know, if we went out there we might
7 find that the white pine that is there is under very
8 little competition from other species and that, in
9 fact, all the other ones are fighting amongst
10 themselves.

11 Q. This is one township.

12 A. Yeah. Well, no, it's not one
13 township, it's probably the size of a township but it
14 does include plots from more than Shelbourne Township.

15 Q. And you're confident that 6.8 per
16 cent, being the white pine, is going to some day
17 overtake the black spruce and balsam fir?

18 A. I'm saying that there's a very good
19 possibility that that could occur because we have
20 evidence that it has happened in the past. So if we
21 look at --

22 Q. I see. Sorry.

23 A. Yeah, if we look at the logs and the
24 snags they're dominated by white pines and the white
25 pine, living white pine are there, so what that means

1 to me is that the old forest was white pine, the trees
2 fell down, the new forest was white pine and they grew
3 up.

4 Q. That old forest was not fire
5 protected, Dr. Quinby.

6 A. Yes, and...?

7 Q. Well, that's a pretty significant
8 difference, don't you think, where you had fires
9 occurring whereas now we don't?

10 A. Well, I think that the evidence from
11 the Obabika Lake stand... Pardon?

12 Q. Obabika Lake?

13 A. Yeah.

14 Q. That's the one that we were talking
15 about with respect to the silvicultural guide?

16 A. That's right.

17 Q. Go ahead.

18 A. I think that the evidence there and
19 the evidence that Day and Carter have collected and the
20 evidence that Halla and Knowles have collected and also
21 Gilbert have collected show that an uneven-aged, you
22 know, age-class distribution for white pine does occur.
23 It is -- white pine does respond to non-catastrophic
24 disturbance, and that is basically the phenomenon
25 that's involved here.

1 So I'm not sure -- I thought we had
2 already covered that actually.

3 Q. I'm talking about in the context of
4 this table, and you keep taking us back to the old days
5 of natural forest which were not fire protected. I'm
6 talking about the reality of fire protection occurring
7 and I'm not sure I understand the prior relevance of
8 the earlier situation.

9 A. Well, I guess what I'm saying is that
10 there are two forms of evidence that show that white
11 pine can regenerate in the absence of catastrophic
12 disturbance, okay.

13 One set of data show that the dead wood
14 was once -- okay, that the former forest was dominated
15 by white pine, okay, we measured the dead wood, okay,
16 we know that the current forest is white pine, so one
17 process of self-replacement has occurred. There's one
18 set of evidence.

19 The other set of evidence is the
20 uneven-aged age-class distribution, the inverse J
21 shaped curve shows that in a stand where the overstory
22 is present. So there's two forms of evidence right
23 there that show that white pine can respond to
24 non-catastrophic disturbance.

25 So what I'm saying is that given that

1 evidence I don't think we should rule out the fact that
2 6.8 per cent of the understory is not enough for that
3 system to come back to white pine.

4 I'm not saying it's going to, I'm not
5 saying it's not, I'm saying that if we look at the
6 evidence there's a very good possibility that that
7 could happen.

8 Q. Have you any idea of the rotation
9 that would be required for that to overcome, for 6.8
10 per cent to overcome 33 per cent?

11 A. Well, I think it all depends, as I
12 said before, on the spacial configuration of the
13 individual plants. I think -- I'm not sure I
14 understand the context of rotation periods with respect
15 to natural regeneration.

16 Q. Okay. I just want to go to one of
17 your interrogatory answers and it's on page 15 of
18 Exhibit 2180.

19 A. I'm not sure what we're looking at
20 here yet.

21 Q. Perhaps Mr. Zylberberg can help you.

22 A. Okay. So...

23 Q. And I would like to take you to the
24 middle of the page, item (c) there regarding page 9
25 where you were asked to provide copies of any studies

1 that you rely on to make the statement that you did in
2 your witness statement on page 9 that:

3 "The use of selection logging for white
4 pine fiber production provides a more
5 continous supply of fiber over the
6 long term and is less disruptive to the
7 ecosystem than is clearcutting."

8 And, as I understand it, your response is
9 that there are no studies that you're relying on in
10 respect of selection verus clearcutting fiber supply;
11 is that correct?

12 A. That's right. I don't know of any
13 studies that have actually compared selection logging
14 for white pine with clearcutting. I'm basically -- in
15 my opinion I'm--

16 Q. Speculating.

17 A. --I'm saying that it would be - it's
18 my opinion, you can call it what you want.

19 Q. Well, an opinion without studies to
20 back it up I call speculation. Would you agree with me
21 on that?

22 A. Well, there are studies that have
23 looked at, I suppose, even if we just think about what
24 selection logging is. Selection logging allows one to
25 go back to a stand and extract fiber more often than

1 clearcutting does, especially with a species like white
2 pine that has such a long rotation.

3 So I guess it was almost kind of a simple
4 process of logic, in the sense that if one system
5 allows us to go back five times, let's say, in a period
6 of a hundred years, to me that is a more continuous
7 supply of fiber than going back once every 100 years.
8 That was really the basis for that statement.

9 Q. I see. In terms of the weight we
10 should attach to that, Dr. Quinby, as a scientist, I
11 guess, and in fact you were commenting earlier about
12 the -- you didn't see evidence of studies or something,
13 I take it that you would as a scientist put more weight
14 on somebody that has studies than something that is
15 based on one person's view of logic?

16 A. I would -- and unfortunately that's
17 the problem that foresters are faced with, and I can
18 sympathize with them because they don't always have
19 studies to rely on for making decisions. They have to
20 act.

21 Q. The answer to my question is you
22 would put more weight in something that has studies
23 behind it than something that doesn't?

24 A. It helps, sure. It definitely helps.

25 Q. Thank you. Moving to and finishing

1 up on page 3 of your witness statement.

2 A. This is so confusing.

3 Q. Your witness statement.

4 A. Okay, thank you.

5 Q. You are talking about the number of
6 percentage that should be protected in the middle of
7 the page. I think you quote Dr. Franklin and you quote
8 the World Wildlife Fund.

9 I take it you have not done any studies
10 of the socio-economic impact of those levels if they
11 were applied in Ontario?

12 A. No, I have not.

13 MR. CASSIDY: If I could just have a
14 minute, Madam Chair.

15 Q. Just one final question in respect of
16 a comment you made in your witness statement on page 6,
17 I believe. Do you see under Biological there?

18 A. Mm-hmm.

19 MR. CASSIDY: This is page 6 of Exhibit
20 2179, Madam Chair.

21 Q. The heterogeneity of natural forests
22 in northeastern Ontario, were you talking there about
23 the species heterogeneity of natural forests?

24 A. That's right.

25 Q. Various types of trees?

1 A. That's right.

2 Q. Black spruce, jack pine--

3 A. Species, yes.

4 Q. --red pine. You have confined your
5 comments to northeastern Ontario. I guess that's
6 because that is primarily where your studies have taken
7 place?

8 A. Well, that was what my terms of
9 reference were for producing this statement.

10 Q. Are you familiar with the concept of
11 natural monocultures?

12 A. Mm-hmm.

13 Q. In fact, they do occur in parts of
14 the this province; do they not?

15 A. Yes, they do.

16 Q. In fact, there is abundant evidence,
17 is there not, of species occurring in natural
18 monocultures suffering from pest outbreaks?

19 A. Sorry, I don't understand the
20 question.

21 Q. There is evidence, is there not, of
22 pest outbreaks occurring in natural monocultures.

23 A. Oh yes.

24 Q. In fact, that's been a source of
25 ongoing concern in the past 50 years in this province

1 with respect to some outbreaks in things like black
2 spruce stands?

3 A. It is, but one of the problems is
4 that it is inter-related with other management
5 activity, for example, fire and fire suppression has
6 changed the composition of the forest in some places
7 and actually made it more susceptible to insects.

8 Q. Those natural monoculture stands in
9 particular?

10 A. The forested landscape.

11 Q. As a whole?

12 A. Yes.

13 MR. CASSIDY: Those are my questions,
14 Madam Chair.

15 MADAM CHAIR: Thank you, Mr. Cassidy.

16 Mr. Freidin?

17 MR. FREIDIN: Yes.

18 CROSS-EXAMINATION BY MR. FREIDIN:

19 Q. Dr. Quinby, there was some reference
20 in your evidence to on old growth conservation
21 initiative being put in place by the Province of
22 Ontario. Other witnesses have, in fact, relied upon
23 that.

24 I want to show you two documents which
25 are stapled together. One is a document dated January

1 1992. It's entitled Old Growth Conservation
2 Initiative, a fact sheet issued by the Ministry of
3 Natural Resources.

4 Attached to that as well is another
5 document which is a news release dated January the
6 28th, 1992. It is a news release from the Ministry of
7 Natural Resources and it is entitled Minister
8 Establishes Policy Advisory Committee to Recommend a
9 Conservation Strategy for Old Growth Forests.

10 Now, have you seen these documents
11 before?

12 A. Yes, I have.

13 Q. Do they accurately summarize the old
14 growth conservation initiative and the two committees
15 which were set up in relation to that, the policy
16 advisory committee and the...

17 A. Scientific advisory committee.

18 Q. ...scientific advisory committee of
19 which you are a member?

20 A. It does, but it's hard to summarize
21 something that's barely begun. In fact, we haven't
22 even had our first official meeting for the scientific
23 advisory committee.

24 So to ask me if this accurately reflects
25 what's happening there with that part of the initiative

1 it is not possible because we have not even gotten
2 together yet.

3 Q. This describes the initiative as it
4 has developed to this point in time?

5 A. It is a proposal, in my opinion.

6 Q. All right.

7 MR. FREIDIN: Can that be marked as the
8 next exhibit, please.

9 MADAM CHAIR: This will become Exhibit
10 2193.

11 ---EXHIBIT NO. 2193: Document Entitled Old Growth
12 Conservation Initiative, dated
13 January 1992, and a News Release
from the MNR dated January 28,
1992.

14 MR. FREIDIN: Q. I note from this
15 document that in the third paragraph where it speaks to
16 the old growth strategy and what it will do, the very
17 first item which is referred to is an item which was
18 discussed at some length with Mr. Cassidy and that is
19 the development of a working definition for old growth.

20 Do you see that as being a very important
21 and primary objective of this particular strategy and
22 in particular the two committees which have a fair bit
23 of work to do?

24 A. Yes, I do.

25 Q. As I understand your evidence this

1 initiative is not one which is related solely to the
2 white pine and red pine, but is one which is going to
3 look at this issue in terms of other species as well?

4 A. That's my understanding.

5 Q. And that a working definition for old
6 growth, therefore, will be developed perhaps based on
7 the wisdom of the committee in relation to other
8 species?

9 A. That's right.

10 Q. And that those other definitions
11 might very well and probably would be different because
12 of the differences of the various species?

13 A. Different, sure.

14 Q. Right.

15 A. I hope so.

16 Q. I know the committee has not yet met,
17 you have so advised me. Do you assume that once you do
18 get together and you start working this out that some
19 of the views that you have on old growth, what it
20 should be, how one might define it and that sort of
21 thing would be the subject matter of discussions
22 amongst the various scientists who have been appointed
23 to the scientific advisory committee?

24 A. Are you asking me if the scientists
25 are going to discuss definitions and how to approach

1 it?

2 Q. Yes.

3 A. Yes.

4 Q. Do you assume that the policy
5 advisory committee headed by Brennain Lloyd will be
6 seeking the advice of the scientific advisory committee
7 in relation to those sorts of matters?

8 A. Yes.

9 Q. So the debate, if we can call -- or
10 the discussion which took place here about what should
11 old growth be and what shouldn't it be is really one
12 which it is anticipated by the province and by the
13 people who are involved in this old growth conservation
14 initiative is one which is expected to be played out in
15 much more detail within the context of that initiative?

16 A. That's right.

17 Q. The initiative, as I understand it,
18 contemplated, and I am looking page 2 of the exhibit,
19 and I go down to the third last paragraph, that:

20 "The policy advisory committee will
21 present a draft interim strategy to the
22 minister for old growth white and red
23 pine forest ecosystems by the end of
24 1992."

25 Do you understand that that is part of

1 the mandate which has been given to the group?

2 A. I see that.

3 Q. I see Ms. Lloyd smiling. She is
4 probably waiting to have this hearing end so she can
5 call her first meeting.

6 A. I'm waiting for a question.

7 Q. The final recommendation of that old
8 growth strategy covering other forest types to be
9 completed by the end of 1993, do you understand that as
10 well to be part of the mandate?

11 A. Yes.

12 Q. Thank you. Now, Dr. Quinby, you
13 dealt with and discussed with Mr. Cassidy the question
14 of disturbance, the role that fire does or doesn't play
15 in terms of the regeneration of white pine and he asked
16 you a number of questions about selection cutting as
17 opposed to other forms of logging.

18 I want to sort of just examine those
19 general issues with you. First of all, one of the
20 documents which I understand that you have authored
21 wasn't really a study per se, but was a literature
22 review that you prepared?

23 A. Mm-hmm.

24 Q. Is the document entitled The
25 Ecological Values of Old Growth Forests with Specific

1 Reference to the White and Red Pine Forest Ecosystems
2 in the Temagami Area of Ontario? Was that a document
3 that you published in 1988?

4 A. Yes.

5 MR. FREIDIN: Madam Chair, I don't think
6 we need it right now, and I will file a copy of the
7 entire document, but what I have done here is I have
8 excerpted some pages from the document for ease of
9 reference. So if we could perhaps reserve an exhibit
10 number for the entire document. These are just
11 excerpts.

12 Do you have a copy of the document with
13 you?

14 THE WITNESS: Not with with me.

15 MR. FREIDIN: Okay.

16 MADAM CHAIR: This document will become
17 Exhibit 2194. It is presently excerpted, but Mr.
18 Freidin will provide the full document. It is dated
19 October 1988.

20 Did you read the title into the record,
21 Mr. Freidin?

22 MR. FREIDIN: I will read it in. It is
23 The Ecological Values of Old Growth Forest with
24 Specific Reference to White and Red Pine Forest
25 Ecosystems in the Temagami Area of Ontario, a

1 literature review, dated October 1988. It is authored
2 by Dr. Peter A. Quinby and it is a report prepared for
3 the Temagami Wilderness Society.

4 ---EXHIBIT NO. 2194: Document entitled The Ecological
5 Values of Old Growth Forest with
6 Specific Reference to White and
7 Red Pine Forest Ecosystems in the
8 Temagami Area of Ontario, a
9 literature review, dated October
10 1988, authored by Dr. Peter A.
11 Quinby for the Temagami
12 Wilderness Society.

13 MR. FREIDIN: Q. This was a literature
14 review, as it indicates on the first page, it was not
15 the reporting of any scientific study per se by
16 yourself?

17 A. That's right.

18 Q. The first page that I believe you
19 have in the excerpt is page 4-18 and it talks about --
20 there is a heading Pine Tolerant Hardwood Cover Type.
21 Can you just describe for the Board what a pine
22 tolerant hardwood cover type is?

23 A. Generally what we were talking about
24 in the context of this document is white and red pine
25 when it occurs with tolerant hardwoods such as sugar
maple and yellow birch.

Q. Okay.

A. For example, there are other tolerant
hardwoods that would be included there.

1 Q. On the next page, 4-19, Pine
2 Intolerant Hardwood Cover Type. What are we talking
3 about in relation to that particular group of trees?

4 A. We are talking about white and red
5 pine occurring with species such as poplar, white birch
6 and red oak.

7 Q. Right. Intolerant hardwood cover
8 types are those then that need a little bit more
9 sunlight to progress?

10 A. Generally tolerants in that context
11 refers to the ability to grow in shade.

12 Q. Okay. Now, let's go back to page
13 4-18 in relation to the pine tolerant hardwood cover
14 type.

15 Am I correct that at the time you
16 prepared this report in October of 1988 the literature
17 that you reviewed indicated, if you go down four lines
18 under that heading, that:

19 "Once established, white pine may persist
20 due to its longevity and superior height
21 growth, but reproduction has little
22 chance except occasionally on rocky ridge
23 tops or other dry locations. Elsewhere
24 as a rule a dense understory of hard
25 maple and other tolerant hardwoods

1 develop at an early stage and eventually
2 dominates precluding pine reproduction."

3 As I read it that indicates that white
4 pine is not going to do very good in terms of
5 reproducing under its own canopy in those
6 circumstances, but rather hardwoods develop at an early
7 stage and eventually dominates precluding pine
8 reproduction?

9 A. According to Horton and Brown, that's
10 what they say.

11 Q. Now, in fact when you reported this
12 at this time, Dr. Quinby, you didn't attribute that
13 specific reference to those specific authors.

14 I would suggest to you that the
15 scientific literature that you reviewed at that time
16 was consistent with what Brown may have found in his
17 specific study?

18 What I am saying is, the weight of all
19 the scientific evidence that you reviewed in fact was
20 consistent with this statement on page 4-18?

21 A. Are you saying that I did not
22 indicate that this came from Horton and Brown?

23 Q. All right. Horton and Brown, who are
24 they?

25 A. Who are they.

1 Q. Are they recognized
2 silviculturalists?

3 A. They are scientists that have studied
4 white pine forests.

5 Q. Where do they operate out of, do you
6 know?

7 A. I think they were with the federal
8 government, Canadian Forestry Service, I believe.

9 Q. Out of Petawawa?

10 A. I'm not sure. I just have seen -- if
11 I recall the organization it was Canadian Forestry
12 Service.

13 Q. All right. I do note that you do
14 indicate that these are excerpts from Horton and Brown
15 that you referred to.

16 A. Yes.

17 Q. On page 4-19, those same authors, the
18 Canadian Forestry Service, indicated, if we go down
19 about eight, nine, ten lines, starting on the
20 right-hand side:

21 "The previously suppressed pines will
22 dominate the canopy for a time, but their
23 reproduction will be sparse."

24 Again, it was the view of those authors--

25 A. Yes.

1 Q. --that that was the situation? Can
2 we turn to the next page, 4-20, and is that still an
3 indication of what the scientists from the Canadian
4 Forestry Service were saying at that time? I guess it
5 is.

6 A. Yes. Basically I said:

7 "The following descriptions of these four
8 forest types are taken from Horton and
9 Brown..." and I have indented them.

10 Q. Okay.

11 A. An indentation means that it has been
12 taken from a reference.

13 Q. Okay. Let's see if we can sort of
14 move along here and find somebody else other than those
15 two authors we can look at.

16 Can we turn to page 5-4. Now, there is a
17 comment attributed to an author by the name of Buck.
18 Who was that person?

19 A. He was, I believe, a forester with
20 William Milne a number of years ago.

21 Q. And he worked in the Temagami area?

22 A. That's right.

23 Q. The indented part is an indication of
24 what Mr. Buck's view was regarding what would happen to
25 the shoreline reserve, the skyline reserve around Lake

1 Temagami if it was left to go through natural
2 succession without some sort of disturbance. That's
3 basically what he is talking about?

4 A. Okay.

5 Q. Is that right?

6 A. Well, I'd have to reread it. It has
7 been since 1988 that I put this together.

8 Q. Can you take a quick look at it and
9 see whether you agree with my characterization of it?

10 A. Sure. Okay.

11 Q. That was an accurate
12 characterization?

13 A. Oh yes. He's talking about the
14 response of or the relationship between red and white
15 pine and the skyline reserve and fire; in other words,
16 that narrow strip of forest along the shoreline that is
17 often only 60 metres wide. That's the area that he was
18 looking at where clearcutting has taken place, like
19 right up to the edge of the forest.

20 Q. He says in relation to those
21 particular reserves where the white pine, the large
22 white pine exist, he says, starting at the bottom of
23 page 5-4:

24 "Today forest fires are immediately
25 detected and brought under control.

1 Hence, natural pine regeneration is the
2 exception rather than the rule."

3 Gilbert was another name I think you
4 mentioned. He indicated that all the four white pine
5 stands that he studied on the shoreline reserve on Lake
6 Temagami had been originated by fire. He gave the
7 ages.

8 He also found that balsam fir, spruce,
9 red maple dominated the lower diameter classes of these
10 stands and without the disturbing effects of fire due
11 to fire suppression the fir, spruce and maple will gain
12 dominance in the stand as the large old white pine die
13 of old age and other causes.

14 Do you disagree with that view of Mr.
15 Gilbert and what appears to be the same opinion by
16 other --

17 A. What I find very interesting about
18 both those studies is that what they done is they have
19 studied -- they have focused on the very narrow strip
20 of forest along the shoreline of Lake Temagami, as I
21 said, where clearcutting has occurred right up to the
22 edge of the shoreline research and in some cases you
23 have 60 metres of width. So you've got a very long
24 snack-like stand with very little of its natural
25 integrity remaining.

1 So what happens is -- one of the biggest
2 problems is that you remove the seed source and when
3 you remove a seed source obviously regeneration is
4 going to be very, very difficult to attain.

5 Q. Isn't white pine seed fairly heavy
6 and it drops fairly close to the parent tree?

7 A. White pine seed can distribute up to
8 200 metres in distance according to the Silvics of
9 North American Tree Species by Fowles.

10 Q. You don't attach very much
11 significance to the observation of these people that --

12 A. I'm saying that they're probably -- I
13 don't disagree with what they're saying, but there's
14 more to it than the suppression of fire.

15 The other factor involved is the
16 clearcutting that's taking place right up to the
17 skyline reserve. The reason the reserve is there is
18 for recreational purposes. So that somebody on the
19 lake in a boat, when they look at the shoreline, they
20 don't see the clearcut. What they see are trees.

21 Q. All right. Whose report is reported
22 to on page 6-5? It says:

23 "The most significant ecological
24 information obtained from this thesis
25 was..." and there were a number of --

1 A. What sentences are we looking at?

2 Q. Basically conclusions in that last
3 paragraph.

4 A. The last paragraph?

5 Q. Yes.

6 A. "The most significant ecological
7 information obtained from this thesis..."

8 Okay. That's Gilbert, I believe. Let's
9 see. You don't have page 6-4 so it's difficult to
10 relate it back, but it does say:

11 "One Master's thesis did focus on four
12 white pine stands in the Lake Temagami
13 shoreline reserve. This study was
14 undertaken, however, to determine the
15 best way of harvesting the stands."

16 That was Gilbert 1978.

17 Q. Okay. And he concluded based on
18 those studies that without fire or some other
19 disturbance that creates conditions similar to fire
20 regeneration of old growth white pine in the Temagami
21 area may be in serious jeopardy. That was his
22 conclusion?

23 A. That's right.

24 Q. Your report of 1991, I think it has
25 been made an exhibit, the Obakika Lake Landscape

1 Perspective Study.

2 MADAM CHAIR: Exhibit 2190.

3 MR. FREIDIN: Thank you.

4 Q. In this particular document I want to
5 just jump right to page 36, if I might.

6 On page 36 you are talking about this
7 particular stand that you discussed with Mr. Cassidy
8 and you are talking about:

9 "Once the stand is legally protected a
10 management plan will be put in place..."
11 and you say about five or six lines down:

12 At present, the most important management
13 objective for the Obabika Lake old growth
14 stand would be to facilitate a natural
15 wild fire regime to ensure the
16 regeneration of white and red pine."

17 Now, to me that says that what you have
18 to do is do something in that area by way of management
19 intervention which is going to mimic, to use your word,
20 as closely as possible what could occur in a natural
21 wild fire regime; is that correct?

22 A. Or --

23 Q. Is that correct?

24 A. That is correct, but it's also a
25 matter of possibly allowing natural wild fire to burn,

1 to have a let-burn policy which does exist in Ontario
2 but has not been implemented.

3 Q. Why would you want to have -- I am
4 not being critical. I haven't heard that before.

5 A. I realize that.

6 Q. Why would you want to have a let-burn
7 policy? Why would you have a let-burn policy if, in
8 fact, the weight of scientific evidence were to suggest
9 that these white pine will regenerate under their own
10 canopy?

11 A. What I've been saying all along is
12 that non-catastrophic disturbance does facilitate white
13 pine regeneration. I never said that fire was not a
14 part of it.

15 Q. All right. Now, when you say
16 non-catastrophic fire, would you please explain to me -
17 I think I understand the difference but I want the
18 words from you - what the difference is in your view
19 between non-catastrophic fire and catastrophic fire?

20 A. In my opinion a catastrophic fire
21 would be one wherein the overstorey is destroyed
22 completely or almost completely.

23 Q. Right. And a non-catastrophic fire
24 is where it is not?

25 A. That's right. Where you may have a

1 patch of forest half the size of this room, for
2 example, burned and not kill the larger trees, but only
3 kill, say, small shrubs and herbaceous plants and maybe
4 some seedlings and saplings and burn through the litter
5 layer and expose the mineral soil and then go out for
6 whatever reason, and the majority of wild fires that do
7 burn are small non-catastrophic fires.

8 Q. Is that the thesis which causes you
9 to speak about perhaps the use of selection cutting in
10 your witness statement?

11 A. The ability -- it is basically the
12 evidence that shows that white pine has an uneven aged
13 age-class structure that indicates to me that selection
14 cutting is a possibility, a very real possibility
15 because it has the same age-class structure curve as
16 the tolerant hardwoods in some cases.

17 Q. In some cases?

18 A. That's right, in some cases.

19 Q. Not in all cases?

20 A. Not in all cases, that's right.

21 Q. Let's just for the moment assume you
22 are correct and that in some cases it does and in some
23 cases it doesn't.

24 A. Right.

25 Q. You certainly wouldn't want a rule

1 that would say you would have selection cutting of
2 white pine as sort of the standard?

3 A. That's right.

4 Q. And the only approach.

5 A. And, in fact, I've never said that.

6 Q. In fact, some parties here and, in
7 fact, Professor Day from Lakehead University has
8 advocated that the two management approaches to white
9 pine should be the use of shelterwood and clearcutting.

10 Are you familiar with that position taken
11 by Professor Day?

12 A. Yes I am, yes.

13 Q. And Professor Day, I think you said
14 you had met him?

15 A. That's right.

16 Q. Are you familiar with his work?

17 A. That's right.

18 Q. Is he, in your view, a silviculturist
19 whose view on matters such as this should be given some
20 weight?

21 A. I have problems with his methodology.

22 Q. Do you know whether he has any
23 problems with your methodology?

24 A. He's never communicated with me, so I
25 really don't know.

1 Q. Professor Day published a report
2 entitled: Stand Structure and Successional Development
3 of the White and Red Pine Communities in the Temagami
4 Forest. He published that document November the 30th,
5 1990.

6 Are you familiar with that particular
7 study?

8 A. Yes, I've seen that report.

9 MR. FREIDIN: Right. And what I would
10 like to do is, again, can we save a number for the
11 report and I will provide you and the Board with copies
12 of excerpts from that report.

13 MADAM CHAIR: This will become Exhibit
14 2195. Could you describe this exhibit again, Mr.
15 Freidin?

16 MR. FREIDIN: There we go. (handed)
17 It's a report entitled: Stand Structure and
18 Successional Development of the White and Red Pine
19 Communities of the Temagami Forest.

20 What I provided is one of four reports in
21 The Temagami White and Red Pine Ecology and
22 Silvicultural Study, the authors are R. J. Day and J.
23 V. Carter, Lakehead University School of Forestry dated
24 November the 30th, 1990.

25 There's a fax sheet. Perhaps that can be

1 marked with an A and perhaps as Exhibit B to that
2 particular number we can file a fax sheet issued by the
3 Ministry of Natural Resources which purports to
4 summarize the results of the four reports, one of which
5 we have just marked as an exhibit.

6 MADAM CHAIR: All right. Exhibit 2195B
7 will become a one-page fax sheet dated June 1, 1991 and
8 revised September 3, 1991.

9 ---EXHIBIT NO. 2195A: Report entitled: Stand Structure
10 and Successional Development of
11 the White and Red Pine
12 Communities of the Temagami
13 Forest from study entitled: The
14 Temagami White and Red Pine
Ecology and Silvicultural Study,
authored by Day and Carter,
Lakehead University School of
Forestry dated November the 30th,
1990.

15 ---EXHIBIT NO. 2195B: One-page fax sheet dated June 1,
16 1991 and revised September 3,
1991.

17 MR. FREIDIN: Q. Now, can we just look
18 at the fax sheet and, by the way, are you familiar with
19 Professor Day's familiarity with this particular area?

20 What I'm getting at is whether in fact
21 he's studied in this area, has worked in this area
22 before actually coming back to do this particular
23 study?

24 A. I really don't know the man. I've
25 seen his report and I've met him, but I'm not familiar

1 with his activities prior to this.

2 Q. All right. And Professor Day
3 prepared a number of reports, and let's assume for the
4 moment that if we look at the third last paragraph of
5 the fax sheet, let's assume that the information
6 contained there is correct. It says:

7 "Conditions similar to those caused by
8 natural occurring fires can be
9 created..."

10 We're talking about white and red pine,
11 "Conditions similar to those caused by
12 natural occurring fires can be created by
13 using one or a combination of controlled
14 burns, the shelterwood silvicultural
15 system, or the clearcutting silvicultural
16 system depending on stand and site
17 conditions."

18 I highlight that particular clause, Dr.
19 Quinby, because there is an absence of a reference to
20 selection cutting and as you understand, just so we're
21 sure, as you understand the term shelterwood
22 silvicultural system and clearcutting silvicultural
23 system, do you agree with me that those are something
24 different than the selection silvicultural system?

25 A. Yes, I do.

1 Q. Okay. And if you turn to the
2 abstract of the report itself you'll see that going
3 down four lines -- well, let's start at the beginning.
4 The first paragraph says:

5 "The objective of the research conducted
6 at Temagami in 1988 were to do a number
7 of things."

8 And that item No. 4 was:

9 "To propose ecologically sound,
10 economically feasible and practical
11 silvicultural methods for the
12 reproduction and development of white and
13 red pine forests at Temagami."

14 That's what he says one of his objectives
15 was. There's a reference, going down four lines to:

16 "11 case history studies which are
17 reported throughout the report."

18 He reviews the forest -- the fire history
19 in this area.

20 A. If I have a question can I ask you,
21 or no.

22 Q. Yes, you go right ahead.

23 A. I don't know if that's appropriate or
24 not.

25 MADAM CHAIR: Yes, you can if it helps in

1 your understanding Mr. Freidin's question, Dr. Quinby.

2 THE WITNESS: Yeah, it would, because you
3 said that point 4 was one of the objectives, right.
4 Whoops, sorry, I shouldn't be doing this.

5 But the last sentence in the paragraph
6 says - and I don't know if this is relevance -:

7 "Owing to financial and time constraints
8 it was only possible to complete
9 objectives 1 and 3."

10 MR. FREIDIN: Q. All right. We will go
11 on with respect --

12 A. So I missed one.

13 Q. That may affect how you view certain
14 comments made in the report, and it may not, all right.
15 So maybe I shouldn't have highlighted that. It may
16 not make a big difference.

17 A. Well, I'm just wondering -- I mean,
18 if that's a main point and he didn't address it, I
19 don't understand the relevance of it.

20 Q. All right. Let's assume that I
21 didn't even refer you to Item No. 4, okay. All right?

22 A. I don't want to overstep my bounds
23 here.

24 Q. No, no that's fine. Thank you for
25 pointing that out.

1 A. Okay.

2 Q. I appreciate that. In relation to
3 the second last paragraph in relation to the fire
4 history, do you have any reason to doubt the
5 correctness of Professor Day's conclusion starting in
6 the third last line that:

7 "Fire suppression and protection since
8 1912 has extended the fire rotation for
9 white and red pine from 125 years to
10 over 1,200 years and 13,500 years
11 respectively and has begun to eliminate
12 both species from the Temagami forest."

13 Now, that was his conclusion. Do you
14 have any basis on which to dispute the accuracy of that
15 observation?

16 A. Well, I guess I'm somewhat skeptical
17 about his method for looking at fire because basically
18 what he did is he went into these stands and he
19 identified all of the oldest trees and then he said
20 that a catastrophic fire occurred that created the
21 stand in that year.

22 And I just don't -- like, I don't agree
23 with identifying the age of the oldest tree in the
24 stand and saying a catastrophic fire created the stand.

25 Q. So you have some concern about his

1 methodology. You referred to that earlier.

2 A. Well, he didn't use any evidence of
3 fire to make that -- draw that conclusion. There were
4 now fire scars that he looked at, there was no
5 palaeo-ecological data that he looked at, there were no
6 historical records on file anywhere that he looked at.
7 All he did was say the oldest tree in this stand --
8 that the year that that stand, it was initiated is the
9 same year that the oldest tree in that stand
10 germinated. And I can't agree with that.

11 Q. Okay. We will have to look through
12 the report itself to see exactly what it says on any of
13 those particular topics.

14 But is this report the sort of thing that
15 might very well be discussed by the scientific advisory
16 committee and the committee will have to determine what
17 weight should be given to it?

18 A. Well, I certainly hope so. I
19 certainly hope so, because I'm very concerned about the
20 Ministry of Natural Resources using information that's
21 based on no evidence.

22 Q. Well, I guess we'll have to determine
23 whether in fact other people agree with you. but I
24 take it then you disagree with Professor Day when he
25 says in the last paragraph:

1 "There is now an urgent need to practise
2 silviculture in the white and red pine
3 communities at Temagami that is in
4 harmony with the ecology of the pines."
5 He says:

6 "The shelterwood and clearcutting systems
7 are recommended for white pine, and
8 the clearcutting system and shelterwood
9 system for red pine. Prescribed burns is
10 advocated where it is feasible. The
11 single tree and group selection system
12 are not considered ecologically
13 acceptable for the re production of
14 either white or red pine in the
15 Temagami Forest."

16 Now, whether you agree with it or not,
17 whether you agree with it or not, Dr. Quinby, would you
18 agree with me that that is an opinion held by a
19 professor of silviculture at a university in this
20 province which is different than your view?

21 A. Yes.

22 Q. All right. And when one looks at
23 your witness statement and, in particular, page 8 of
24 your witness statement, and when one reads in the first
25 full paragraph on page 8 of your witness statement,

1 starting nine lines down, you say:

2 "Because the selection system is less
3 disruptive to the health of the ecosystem
4 than is clearcutting, the application
5 would provide greater assurance for
6 long-term sustainable forest
7 productivity."

8 When we read that, whether you agree with
9 it or not, Dr. Quinby, Professor Day certainly is
10 saying something quite different than that, in fact
11 he's saying that if you use a selection system, he is
12 saying, that it is not ecologically acceptable for the
13 reproduction of either white or red pine in the
14 Temagami Forest.

15 Again, I don't want to get into a debate
16 of who's right and who's wrong, would you agree with me
17 that the two of you are very, very far apart on that
18 particular subject matter?

19 A. I would agree with that.

20 Q. Would you agree, sir, and this may
21 very well, I expect, be discussed amongst the
22 scientific committee and advice will be provided to Ms.
23 Lloyd and her committee, but the present white pine
24 guide that's used in this province at the present time
25 also does not recommend the use of the selection

1 system.

2 So there's a difference of opinion, at
3 least on the face of the red and white pine
4 silvicultural guide, for the white pine and red pine
5 working groups in Ontario and your opinion in terms of
6 whether or not white pine will regenerate under its own
7 canopy.

8 A. We have a difference of opinion, yes.

9 Q. Okay. You said you're not saying
10 selection system should be used all the time. What's
11 your view, Dr. Quinby, as to whether the shelterwood
12 system is appropriate for the management of white and
13 red pine in some circumstances?

14 A. I think that a full range of
15 silvicultural systems are applicable to managing white
16 pine for fiber production problems, so I would include
17 shelterwood as a possible system for doing that.

18 Although I do know that in some cases the
19 white pine weevil will attack and, successfully, young
20 regenerating white pine even in a shelterwood system.

21 Q. And would you go so far, Dr. Quinby,
22 as to say that even the clearcut silvicultural system
23 could be appropriate for the management of those two
24 species?

25 A. For white pine.

1 Q. Yes, both?

2 A. Well, we are -- I would like to limit
3 it to white pine at this point.

4 Q. Why do you want to limit it to white
5 pine?

6 A. Well, they're different.

7 Q. Well, let's deal with them one at a
8 time then, okay.

9 A. I would say that clearcutting is more
10 appropriate for red pine because red pine is more
11 successfully planted.

12 White pine is not successfully planted --
13 or, I shouldn't say is not, very often there are
14 problems successfully planting white pine especially
15 when it comes to the white pine weevil, and so I think
16 often white pine sites are not brought back to white
17 pine.

18 Q. Right. If the Board were to conclude
19 that it should comment on what silvicultural systems
20 were appropriate or perhaps inappropriate for the
21 management of white pine, do you believe it's important
22 for a decision-making body to give effect or give
23 weight to the views of practising professional
24 foresters who have been involved with that particular
25 species for a great length of time?

1 A. I think it would be important to
2 consider all of the evidence.

3 Q. But that is a piece of evidence,
4 would you agree, that would be an important
5 consideration?

6 A. I would certainly include foresters'
7 opinions on that.

8 Q. So if -- are you aware of a forester
9 by the name of Peter Hynard?

10 A. I met him once a long time ago.

11 Q. Mr. Hynard, in fact, had given
12 evidence to the Board that he felt that, in certain
13 circumstances, the clearcut silvicultural one way to
14 describe an area that's been disturbed by some kind of
15 non-catastrophic event.

16 Q. Okay. And could you turn to, again,
17 the excerpt from the Day and Carter report, Exhibit
18 2195A.

19 A. What page?

20 Q. Page 7. And on page 6 Professor Day
21 begins a literature review of the ecology and the
22 silvics of white pine.

23 He refers to a number of authors,
24 including yourself, and on page 7 almost near the
25 bottom, the second last full paragraph, he says:

1 "In the absence of fire, white pine can
2 also regenerate sparsely...", he
3 underlines sparsely,

4 "...beneath its own canopy in the gaps
5 created by the depth of large decadent
6 trees."

7 And then he says:

8 "Although Quinby, 1989 says balsam fir,
9 red maple and black spruce were generally
10 more abundant in the understory than
11 white pine, however, given the clustered
12 nature of the white pine regeneration,
13 its common association with the small
14 disturbance patches and its intermediate
15 shade tolerance, it is very likely that
16 white pine will again attain a dominant
17 position in the canopy of these old
18 growth forests."

19 He says, although you said that, he said:

20 "It is unlikely that this type of
21 reproduction can duplicate the type of
22 fire origin white pine forest for which
23 Temagami is famous."

24 Without getting into the science of it,
25 do you agree or disagree with his conclusion?

1 A. I fail to understand how we can't get
2 into the science of it if you ask me to evaluate what
3 he says.

4 Q. Because I don't think we need get
5 into a debate and decide who is right and who is wrong.
6 I am trying to get into and establish that there are
7 people who have views different than yours.

8 A. His problem here is that he's
9 assuming that when I say 'small disturbance patches'
10 that I'm excluding fire and I never said excluding
11 fire.

12 If you look at what I've said there, I've
13 said 'small disturbance patches' and in that document I
14 say that one way that small patches are created is
15 through fire. He's assuming here that that isn't part
16 of what I have addressed.

17 MR. ZYLBERBERG: Madam Chair, I don't
18 want to restrict cross-examination, but if Mr.
19 Freidin's point is to get Professor Quinby to agree
20 that there are others who disagree with him, that point
21 has been very well established and it is beyond
22 question and needn't be re-established and
23 re-established and re-established.

24 MR. FREIDIN: Okay. Let's move on.

25 MR. MARTEL: Could I ask a question,

1 though. Are we leading to a point that the small
2 patches are as a result only of the selection cutting
3 process itself; in other words, just cutting out small
4 patches and from there one assumes it is going to grow?
5 Is that where you are leading?

6 MR. FREIDIN: Q. Dr. Quinby, is one of
7 the reasons you make reference to the selection system
8 being something that would work is because you believe
9 that that will result in small patches?

10 A. Basically that's what selection --
11 the group selection or single tree selection does. It
12 creates small patches.

13 Q. And you believe that the small
14 patches that you have in your mind, you visualize small
15 patches created by a selection system which are similar
16 to small patches created by natural wild fire in this
17 area?

18 A. In some cases natural wild fire does
19 create small patches. So the idea would be then to try
20 to mimic that process, yes.

21 Q. Okay. Well, thank you for your
22 opinion.

23 Could you turn, please, to your witness
24 statement and could you turn to page --

25 MADAM CHAIR: How much longer will be in

1 cross-examination, Mr. Freidin?

2 MR. FREIDIN: 45 minutes.

3 MADAM CHAIR: The Board would like to
4 break now for lunch, Mr. Freidin.

5 MR. FREIDIN: Okay.

6 MADAM CHAIR: You can review your
7 cross-examination and see if you can tighten it up a
8 bit so we can finish quickly after lunch.

9 MR. FREIDIN: I always do when I have a
10 chance.

11 MADAM CHAIR: Is that all right with you,
12 Mr. Zylberberg?

13 MR. ZYLBERBERG: Sure.

14 MADAM CHAIR: Dr. Quinby, we thought we
15 would finish with your evidence before lunch. It has
16 taken a little longer than we thought.

17 THE WITNESS: Okay.

18 MADAM CHAIR: You are under
19 cross-examination so you can't have lots of in-depth
20 conversations with your counsel.

21 THE WITNESS: So I've got to pay for my
22 own lunch? I'll keep the receipt.

23 MR. MARTEL: Just send the bill.

24 MR. ZYLBERBERG: Just send the bill to
25 the other table or something.

1 MR. FREIDIN: If it will help I'll pay.

2 MADAM CHAIR: We will be back at 1:15.

3 ---Luncheon recess at 12:00 p.m.

4 ---On resuming at 1:20 p.m.

5 MADAM CHAIR: Mr. Freidin?

6 MR. FREIDIN: Q. Exhibit 2192, Dr.

7 Quinby, was the table that came in later where the area
8 of protected and unprotected white pine was set out.

9 How did you -- what falls in the category
10 of legally protected? What does that mean?

11 A. Usually it means that it's in a park
12 or a nature reserve. Some designation that the Parks
13 and Natural Heritage Branch uses to designate a
14 protected area.

15 Q. Okay. And unprotected would be
16 obviously other areas in which timber management can
17 take place?

18 A. That's right.

19 Q. Okay. On page 22 of the witness
20 statement, second full paragraph, four lines up from
21 the bottom, where you make the comment:

22 "Because the vast majority of these old
23 growth pine stand are too small to be
24 self-staining management strategies will
25 be required as soon as possible in order

1 to maintain them."

2 That is your view?

3 A. Well, I have provided a number of
4 citations that have addressed the problem of protected
5 areas being generally too small to be self-maintaining.

6 Q. When you say 'too small to be
7 self-maintaining' you mean what?

8 A. What I mean is that in order for a
9 natural ecosystem to be self-perpetuating, let's say,
10 there is a minimum size involved because of the
11 influences of external activities and that sort of
12 thing.

13 Q. All right. By management strategies,
14 that's sort of management intervention of some sort?

15 A. That means that humans will need to
16 do something, that's right, to maintain them for what
17 they are designated.

18 Q. Okay. On page 8 of the witness
19 statement, on page 8 you make a comment regarding the
20 frequency with which clearcutting was used in white
21 pine. I am looking at the top of the page, second
22 line, you say:

23 "The primary management strategy in
24 many parts of Ontario including
25 northeastern Ontario has been to clearcut

1 old growth white pine forest to maximize
2 the number of rotations thereafter in
3 order to obtain the greatest fiber
4 production."

5 It is my information that in terms of the
6 silvicultural system which is used for the white pine
7 working group in the Ministry's central region - that's
8 similar to the old north eastern region - is that
9 clearcutting is not the predominant method, but rather
10 shelterwood is.

11 A. So has that historically been the
12 case?

13 Q. Let me just give -- what I have done
14 is, I have a little chart here which gives us the
15 periods 1987/88 up to 1990/91 and that's the only
16 period that I have figures on.

17 A. My statement here is referring to
18 harvesting as a practice since it began.

19 Q. Okay.

20 A. I'm not specifically picking out time
21 periods.

22 Q. Okay. I just want to give this
23 particular document and I understand that your comment
24 then is this is historical in nature, and if we can
25 just deal then with at least this period of more recent

1 history. This is information that I received from the
2 Ministry of Natural Resources.

3 Again, are you familiar with the central
4 region?

5 A. Well, are we talking about the new
6 central region as a result of the reorganization?

7 Q. Yes.

8 A. I didn't even know that had been
9 announced yet.

10 Q. All right. It has. The area that
11 that includes would be, if you start off sort of at the
12 southwest corner going up around Minden and Bancroft.

13 A. Okay. Then up to Sault Ste. Marie?

14 Q. Up to about Wawa and across up to
15 Tritown and I guess back down to the Pembroke area.

16 That area of the undertaking, I
17 understand it, is where most of the white pine is in
18 Ontario. That's where you are going to find most of
19 it. Is that a fair statement?

20 A. Yes.

21 Q. Let's assume for the moment that is
22 roughly equivalent to what is the central region which
23 was referred to here.

24 Do you have any information to confirm or
25 deny the accuracy of the figures here which, as they

1 read, indicate that shelterwood in comparison to
2 clearcutting has, in fact, increased from 65 per cent
3 up to 77 per cent in terms of the silvicultural system
4 used for white pine in that period?

5 A. Well, I think it's important here to
6 consider the fact that these boundaries have been
7 shifted and that what my statement refers to is the old
8 northeastern region, not the new central region.

9 So I would think that these numbers were
10 probably just recently put together, within what, the
11 last few months?

12 Q. But the area hasn't -- the stands are
13 on the ground. It doesn't matter whether they are in
14 the northeastern region or the central region.

15 A. Well, I guess it does in the sense
16 that my statement refers to the old northeastern region
17 and the data you have provided here amalgamates the
18 Algonquin region with the old northeastern region.

19 Q. The Algonquin region is not included
20 in here. I'm sorry, it is.

21 So even with the Algonquin region in
22 there - and I am not trying to compare necessarily your
23 figures now - are you able to confirm the accuracy of
24 these figures or not and the relationship between the
25 use of the two systems?

1 A. Confirm? I'm not sure what you mean
2 by that, but I don't have any data of my own, if that's
3 what you are asking.

4 Q. So you can't deny the accuracy of
5 these figures?

6 A. That's right. All I know is that
7 generally speaking historically in the northeastern
8 region, which is not the region you're referring to on
9 this table, clearcutting has been the primary
10 management system.

11 Q. Even in the last four years?

12 A. I'm saying historically. I don't
13 know what's happened in the last four years.

14 Q. When you say historically, how far
15 back are you going?

16 A. Like I said before, since logging has
17 been taking place in northeastern Ontario.

18 Q. Are you saying they were clearcutting
19 back when they were cutting down white pine to build
20 Her Majesty's Navy?

21 A. No, that's not what I'm saying. I'm
22 saying that if you looked at the area that's been
23 harvested in northeastern Ontario that clearcutting
24 makes up the greatest amount of area.

25 Q. What time period are you referring to

1 when you say historically then?

2 A. I don't have a time period for that.
3 I'm saying historically. I have not conducted any
4 studies on that, and maybe I should clarify that that
5 is my opinion and it is based on reading and
6 conversations that I've had with people who are
7 familiar with with it.

8 Q. Okay.

9 A. But I certainly know that shelterwood
10 has not been the primary -- that if shelterwood and
11 clearcutting were compared there would be more
12 clearcutting historically in that region than
13 shelterwood.

14 Q. All right. Can you turn to page 43
15 of the witness statements. This is page 43, it's table
16 5, and it is a summary of the jurisdictions where the
17 ancient, I guess, white pine forests or the old growth
18 white pine forests are presently located based on the
19 work that you did recently?

20 A. Yes.

21 Q. And in Minnesota there is 4,300
22 hectares of that?

23 A. According to go my estimates.

24 Q. Which is about 20 per cent of the
25 total amount that's based on your calculation

1 remaining? Approximately?

2 A. 20 per cent remaining? Well, I would
3 have to do some--

4 Q. Of 4,300.

5 A. --calculations on that. I haven't
6 done them. Total remaining, 4,300 divided by 23163,
7 whatever that us.

8 Q. Approximately 20 per cent?

9 A. Okay.

10 Q. All right. Do you know why Minnesota
11 has an approach where natural fire is allowed to burn?

12 A. Do I know why they do? Well,
13 basically the majority of these stands are located in
14 the boundary waters canoe area which is a protected
15 area and within that area they -- for that area they
16 have a fire policy which allows them the discretion of
17 allowing fire to burn.

18 Q. Okay. In relation to fire, in the
19 studies that you have done or the work you have done
20 where you have -- let me go back.

21 You made some comments about patch sizes
22 and disturbance by small fires. What data did you rely
23 on or studies did you rely on to predict --

24 Q. To what?

25 A. To predict or to be able to comment

1 on the size and distribution of patches created by wild
2 fire in the area of your studies?

3 Q. Well, actually there are three
4 sources. I have spoken with the fire experts in Sault
5 Ste. Marie, in particular Tim Linem.

6 Q. Who?

7 A. Tim Linem with the fire unit there,
8 and his information indicates that the vast majority of
9 fires are not catastrophic.

10 The seconds source is Bob Day's work
11 where he has used fire scars to determine what he calls
12 underburning events.

13 Q. Is this the same Bob Day whose work
14 you were critical of?

15 A. That's right. In this case he has
16 used fire scars, fires that have scarred the trees to
17 identify the date of the fire, which is the appropriate
18 technique to use.

19 The technique that I was criticizing
20 formally was using the age of the oldest tree as an
21 indicator of stand initiating fire. Two different
22 sources -- or two different things that we're dealing
23 with here.

24 Q. What was the third source?

25 A. And the third source are my

1 observations as I have been in the field in these
2 forests.

3 Q. These observations are the ones
4 reported in your studies which have been filed as
5 exhibits?

6 A. Observations that have been addressed
7 in the reports and observations that remain in my head.

8 Q. Okay. Is there any particular work
9 by Mr. Day that you were relying on?

10 A. There is actually some data that he
11 collected in the Obakika stand that shows that --

12 Q. Where do I find that?

13 A. In the report that you were referring
14 to earlier. I don't know the exhibit number.

15 Q. All right. That's the report that
16 he -- all right. Is there a particular stand that I
17 should look to?

18 A. The Obakika stand is one of them.
19 There is another stand where he has also looked at fire
20 scars and related the age of the trees and the
21 initiation of certain population increases with
22 underburning or surface fires.

23 Q. Did those studies talk about the
24 dates of fires or, more particularly, did they talk
25 about the size of the fire disturbance or merely talk

1 about the frequency?

2 A. That was one of the problems I had
3 with it. He called it underburning and he says
4 underburning obviously -- actually, I don't remember
5 what he says about underburning, but the point is that
6 it's not a catastrophic fire.

7 Q. I know, but you described a
8 catastrophic fire as one where the canopy is removed?

9 A. Where the vast majority of the canopy
10 is destroyed, that's right.

11 Q. But in terms of the size of the fire
12 that actually occurred, I mean you could have a fire
13 which occupies a space as big as this room without the
14 canopy being disturbed, you can have an area as big as
15 this whole city perhaps where the understory is burnt
16 but the overstory stays?

17 A. That's highly unlikely I would think.

18 Q. What information do you have as to
19 the area of the understory which was disturbed in these
20 fires, in non-catastrophic fires?

21 A. There hasn't been any work done to
22 identify or determine the area that these surface fires
23 have affected, to my knowledge.

24 Q. Fine. Thank you very much.

25 MR. FREIDIN: Those are my questions.

1 Thank you.

2 MADAM CHAIR: Thank you, Mr. Freidin.

3 Dr. Quinby, before -- will you be
4 conducting a re-examination of this witness?

5 MR. ZYLBERBERG: I was planning to, but I
6 will certainly wait until after your questions.

7 MADAM CHAIR: All right. Just a few
8 brief questions. With respect to Exhibit 2192, which
9 is the listing of protected and unprotected old growth
10 white pine stands that you identify for us.

11 THE WITNESS: Right.

12 MADAM CHAIR: If we go through this list
13 and isolate those areas which you consider to be part
14 of Temagami, are those -- and compiled that area, is
15 that the size of the area that you would want to see
16 protected in Temagami with respect to old growth white
17 pine stands, or are you saying of all the old growth
18 white pine stands in Temagami your position is that you
19 want to see 10 or 15 per cent protected as a landscape
20 ecosystem type?

21 THE WITNESS: Well, that question is
22 going to have to be answered at some point in order to
23 meet the objectives, in my opinion anyway, of this
24 conservation strategy for old growth.

25 I think the fact that the old growth

1 white pine is an endangered ecosystem, in my opinion,
2 all of those stands should be protected, but we also
3 need to identify how large an area around those stands
4 needs to be protected as well because if we want to
5 have areas, as I was saying before, that are
6 self-staining, we need large areas and, as I said, MNR
7 has identified 2000 hectares as a lower limit. I would
8 say it has to be much larger than that.

9 So we have to make a decision as to
10 whether we are going to be setting aside stands that
11 are going to eventually need our maintenance in order
12 to keep them as old growth white pine, or if we take a
13 large area that encompasses as many of those as
14 possible and with confidence that that's going to
15 evolve over time as a natural landscape with minimal
16 human energy and input.

17 MADAM CHAIR: Could we quickly go through
18 Exhibit 2192, Dr. Quinby, and could you identify for
19 the Board which of these stands you would consider to
20 be Temagami stands? Anything that says Quetico
21 Provincial Park is out, I assume.

22 THE WITNESS: Yes.

23 MADAM CHAIR: Algonquin is out.

24 THE WITNESS: That's a good question.

25 MADAM CHAIR: On the first page. We

1 obviously have Lady Evelyn Smoothwater Provincial Park
2 and you would consider that a Temagami stand?

3 THE WITNESS: That's right. I can try to
4 identify the ones, but actually there is a report that
5 I don't have with me. There is a report where I
6 presented the definitions and there is a table in that
7 report on preliminary definitions that has listed these
8 stands. I don't know if that's here in the room.

9 MADAM CHAIR: Perhaps we would ask your
10 counsel for an undertaking.

11 Could the Board receive a letter at some
12 date in the future from Dr. Quinby helping us identify
13 which of these stands identified in Exhibit 2192 are
14 considered to be Temagami old growth white pine stands.

15 THE WITNESS: I can do that very quickly
16 for you.

17 MR. ZYLBERBERG: I can undertake it and
18 as soon as we receive it we will forward it on to the
19 Board and to the other parties that are here today.

20 MADAM CHAIR: Dr. Quinby, is it your
21 opinion that putting them together there would be in
22 total somewhat under 3,000 hectares?

23 THE WITNESS: Just for Temagami you mean?

24 MADAM CHAIR: Just for Temagami.

25 THE WITNESS: Under 3,000 hectares?

1 MADAM CHAIR: You have identified 2,400
2 hectares in Obakika Lake.

3 THE WITNESS: No, there would be more
4 than 3,000.

5 MADAM CHAIR: So under 4,000?

6 THE WITNESS: It could be around 4,000,
7 but I'd hate to say without actually just going through
8 and adding them up.

9 MADAM CHAIR: All right. We will wait
10 for that information then. Thank you.

11 Go ahead, Mr. Zylberberg.

12 RE-DIRECT EXAMINATION BY MR. ZYLBERBERG:

13 Q. Dr. Quinby, you have been asked a lot
14 of questions about silvicultural methods of white pine,
15 about clearcutting and shelterwood and selective
16 cutting and the agreements and the disagreements that
17 you have with others in the field on silvicultural
18 white pine. I appreciate that you have been asked
19 fully an hour's worth of questions about that.

20 In your view is the silvicultural
21 knowledge that existed at the time that that guide was
22 prepared the final and ultimate and forever word about
23 silvicultural white pine, or is this an evolving body
24 of knowledge?

25 A. Well, I hope not. I hope it is an

1 evolving body of knowledge because we are always
2 discovering that the word isn't flat and if we continue
3 to operate as if it is, then nobody benefits.

4 Q. Is one of the points that you wanted
5 to make with us that in order for that body of
6 knowledge to evolve there has to be at least some
7 protected old growth so that we have something to
8 study?

9 A. That's right.

10 Q. So that whether you are right or Dr.
11 Day is right --

12 MR. FREIDIN: This is an expert witness
13 and I think he should be asking him questions, not
14 putting the answers in his mouth.

15 MR. ZYLBERBERG: I am leading the
16 witness, that's true. I didn't think it was on
17 anything other than to make sure that it is clarified.

18 Q. Can the differences between you and
19 Dr. Day on what is an appropriate way to manage white
20 pine growth ever be answered without protecting some
21 old growth?

22 A. In my opinion the only way that we
23 are ever going to understand the ecology of white pine
24 forest as fully as we possibly can is to have large
25 natural landscapes within which there is a significant

1 portion of white pine forest.

2 In my opinion that goes for any kind of
3 forest type. We need these large natural landscapes in
4 order to study natural phenomenon and, as I have said
5 before, forestry is based on the science of forest
6 ecology and I think in recognition of that it is
7 obvious that we need these landscapes to study.

8 Q. Just one other thing that follows
9 from all the questions you were asked about
10 silvicultural. How are we doing in terms of white pine
11 plantations in Ontario these days? Are we successful?

12 A. That's an area that I don't feel I
13 can comment on as an expert.

14 Q. Then don't.

15 A. However, I could --

16 Q. If you can't, then I shouldn't have
17 asked it to you.

18 MR. ZYLBERBERG: Thank you. That's my
19 re-examination.

20 MADAM CHAIR: Thank you very much.

21 Thank you, Dr. Quinby. We appreciate you
22 being here today.

23 THE WITNESS: Thank you.

24 MADAM CHAIR: Thank you very much.

25 THE WITNESS: It will take me half an

1 hour to get all my stuff.

2 MADAM CHAIR: Take your time.

3 We will move ahead and hear -- I
4 understand you are going to present three witnesses as
5 a panel?

6 MR. ZYLBERBERG: Yes.

7 MADAM CHAIR: These include Mr. Ron
8 Yurick, Ms. Robin MacIntyre and Mr. Ambrose Raftas.

9 MR. ZYLBERBERG: Yes. Can we invite the
10 three of you up to this corner.

11 MR. ZYLBERBERG: A small housekeeping
12 point, Madam Chair, but the statistics that were put to
13 Professor Quinby were they marked as an exhibit
14 somewhere?

15 MR. FREIDIN: If they weren't they should
16 be. Thank you very much, Mr. Zylberberg.

17 MADAM CHAIR: Exhibit 2196 will be one
18 page of statistics for the years 1987/88 to 1990/91 and
19 the title is Area Harvested with Shelterwood and
20 Clearcutting Systems in the Central Region in the White
21 Pine Working Group.

22 ---EXHIBIT NO. 2196: One page of statistics for the
23 years 1987/88 to 1990/91 entitled
24 Area Harvested with Shelterwood
25 and Clearcutting Systems in the
Central Region in the White Pine
Working Group.

1 ROBIN MACINTYRE,
2 RON YURICK,
3 AMBROSE RAFTAS; Affirmed.

4 MR. ZYLBERBERG: You are respectively for
5 those who don't know you, Ambrose Raftas, Ron Yurick
6 and Robin MacIntyre.

7 DIRECT EXAMINATION BY MR. ZYLBERBERG:

8 Q. Can you start by perhaps advising
9 everybody in the room in turn where each of you live
10 and what you do?

11 MR. RAFTAS: A. I will start from this
12 end. My name is Ambrose Raftas. I live up in
13 northeastern Ontario near Kirkland Lake/Englehart area.

14 I've been on the timber management
15 stakeholders committee for I guess over a year now and
16 that's the source of information that I would like to
17 bring to the committee.

18 I also work at a timber -- Grant Forest
19 Products which is a waferboard plant which accesses a
20 fair amount of timber in the area and I'm also the
21 environmental representative on the stakeholders
22 committee.

23 MR. YURICK: A. My name is Ron Yurick.
24 I'm from Chapleau, have been there just over 13 years,
25 originally from the Thunder Bay area.

1 I spent about five years as a District
2 Land Use Planner for the Ministry of Natural Resources
3 in Chapleau and then worked another period of time,
4 about five years, as a Fish and Wildlife Technician
5 primarily in the fisheries.

6 I have been apart from the Ministry for
7 about three years now, going about trying to set up a
8 remote business. I'm a municipal councillor in my
9 community and I'm the environmental person on one of
10 the SCAN north task forces, the one dealing with value
11 added in the forestry sector.

12 Q. You don't have to move the microphone
13 that much, they're fairly sensitive.

14 MS. MacINTYRE: A. Robin MacIntyre is my
15 name. I live in the Goulais River District north of
16 Sault Ste. Marie, it's about 15 miles north of Sault
17 Ste. Marie. I'm a landscaper by occupation. I've been
18 an artist, I've been a tree planter, I'm an organic
19 grower right now and I'm involved with the Ministry on
20 a cooperative basis, interactive basis through their
21 cooperative management planning team of which I sit on
22 a team and a couple of other venues which are probably
23 fairly unrelated to these hearings.

24 Q. Now, in youre Ambrose, you sit on the
25 stakeholders committee for your region, for your

1 district.

2 MR. RAFTAS: A. For the district, yeah.

3 Q. Which district is that?

4 A. Temiskaming. We have just finished
5 the plan for the Temiskaming area and we will be moving
6 into the Plonski unit next.

7 So the Temiskaming plan is the first one
8 we worked on, actually had a board that met, so that
9 was the one we learned a lot of...

10 Q. And you don't sit on the stakeholders
11 committee but have been actively following its work?

12 A. Reasonably actively. I have appeared
13 in front of it, made presentations to it and also have
14 experience with the ongoing timber management things
15 from my days in the MNR.

16 Q. And in your case, Robin, your
17 district doesn't have a stakeholders committee but
18 instead has a cooperative management team?

19 MS. MacINTYRE: A. In my two townships
20 that my business -- I forgot to mention that I have a
21 small tourism business of wilderness skiing, and as a
22 direct result I'm sitting on the cooperative management
23 planning team for the area that I use, the Tupper
24 Shields Township, in my district.

25 Q. Can I ask you to each talk about, for

1 a minute, who sits on the stakeholders committees or
2 the cooperative management team, who appointed them,
3 how they got there?

4 MR. RAFTAS: A. How I got appointed I
5 was contacted by a fellow environmentalist who was
6 contacted by the district manager and asked if he
7 wanted to send a representative to those meetings.

8 Q. That's Mr. Madras?

9 A. Yeah, MNR for Swastika there in
10 Kirkland Lake and so I was asked and when I showed up
11 at the meeting there was a number of other people. In
12 discussions with them, they were basically contacted
13 the same way, was the Ministry. It's a small
14 community, people know who's sort of active and who
15 actually comes out to meetings, so they initiated
16 contact with a number of people.

17 We have requested members from the
18 agricultural community because a lot of our area is
19 surrounded by a farming area and so we interact a lot
20 with private lands. We have people from fish and
21 wildlife, we have sort of just a citizen who has been
22 after the Ministry for a number of years to do some
23 private planting on private lands and trying to get a
24 plan going in that way, so he was included in the
25 committee.

1 We don't at this point have any Native
2 representation although it's been attempted and it
3 hasn't worked out to this point, although I've heard
4 there's some action in that area.

5 We also have some people from the mining
6 industry, a mining engineer and, what else do we have,
7 we have an industry representative who works for the
8 same company I do, but we take quite different tacks on
9 the approach.

10 I think that's about it, that's pretty
11 well who's included.

12 MR. FREIDIN: I hate to interrupt, Mr.
13 Zylberberg, but just so I can understand, this is a
14 committee that was created in relation to the
15 preparation of the timber management plan?

16 MR. RAFTAS: That's right, stakeholders.

17 MR. YURICK: The stakeholders committee
18 that I'm familiar with and the only one so far in the
19 Chapleau district is on the Superior Forest Management
20 Unit which is basically the west side of the Chapleau
21 administrative district.

22 On the committee there is a municipal
23 representative, a councillor who wasn't going to
24 meetings, now there's a second councillor appointed who
25 is married to one of the ministry people who sits on

1 the Ministry's management team.

2 There is a trapping representative who
3 goes, there's a Native representative who doesn't seem
4 to want to vote on things, there's a small business
5 representative who does a lot of -- he's in the oil
6 products business and sells a lot of lube and fuel to
7 the local industry.

8 There's an anglers and hunters
9 representative who coincidentally owns a forest
10 management company in the Chapleau district and is
11 able -- he's not in the cutting business, but gets logs
12 off the unit.

13 There is a jobber, a logging outfit who
14 represents the forest industry. There is a naturalist
15 who is a resident of Sault Ste. Marie and whose travel
16 to the meetings is paid, and there is a citizen's
17 representative who moved out of the community and was
18 being paid by the district manager to commute to
19 Chapleau from New Liskeard to represent the community
20 of Chapleau which is over 400 kilometres away, paid his
21 mileage and so on to continue to represent our
22 community even though he was living in New Liskeard.
23 And a tourist outfitter who's the chair of the Chapleau
24 Tourist Association.

25 These people were selected by the

1 district manager. From my knowledge not always, if
2 ever, by getting the person nominated out of the group
3 of concern. The district manager did come to the
4 tourist association to consult a bit, but it was still
5 ultimately the district manager's decision.

6 MR. ZYLBERBERG: Q. In your case, the
7 people that were on there, were they appointed by their
8 sectors or were they appointed for their sectors?

9 MR. RAFTAS: A. I guess what happened
10 was that the manager called the only representative he
11 knew in that organization and then asked for somebody
12 to be sent. So I didn't see it as actually an
13 individual because I wasn't contacted initially, so it
14 must have been through that other person.

15 Q. Mm-hmm.

16 MS. MACINTYRE: A. In my case, would you
17 like a little bit of background as to why it was
18 formed?

19 Q. Sure.

20 A. The new five-year plan came out in
21 the paper and up to that point, unless you were already
22 involved in the ministry's planning process no one
23 really was sure of what the five-year plan was.

24 As a result, of the plan and problems
25 that arose through our idea of what the Ministry had in

1 store, we had a local meeting at which I contacted a
2 lot of the people, also contacted the Ministry and
3 asked them to come out also, and they said that they
4 would be holding their own open house meeting in the
5 district and the local meeting brought up a lot of
6 discrepancies and problems, and I guess as a result of
7 that, because I was the ring leader with regards to
8 establishing the first meeting, they contacted me and
9 asked asked me if I would like to come to a planning
10 meeting to talk about a cooperative management
11 committee for the Tupper Shields Township.

12 And I'm surmizing here, I'm not too sure
13 if it was as a total result of that plan in the Sault
14 Ste. Marie District plan, but I think that I came to
15 their attention at that point.

16 The paper that we originally decided upon
17 or basically that was handed to us and that we said,
18 yes, this is okay, was that there be representation of
19 all user groups in this district and the MNR and that
20 it was being formed for the need for special
21 considerations for this area. Basically I perceived
22 the special considerations being a problem with the
23 industry and tourism use.

24 Anyways, the committee was to assist the
25 MNR as a full partner, to balance user needs while

1 ensuring the protection of the environment. That's
2 what we wrote down on our paper.

3 At the initial meetings we talked about
4 who should be on the committee, at which point I was
5 singled out and asked to be on the committee as a small
6 business operator, which it is kind of funny that that
7 happened immediately in the beginning because we hadn't
8 decided to name any names as of yet.

9 I was uncomfortable with that designation
10 because I felt that my venues news were lying more
11 towards environmental side and I asked if I could be
12 the representative for the environmental side of things
13 and, also pointed out we didn't have a representation
14 from the Goulais River community.

15 We have representation from the IWA, from
16 the two -- two local logging companies, we have one MNR
17 staff who is there to -- a district forester who's
18 there to talk about the area in terms of the forestry
19 and to keep records of the talk. Usually our assistant
20 district sits in on the meetings also.

21 We have representation from the trapping,
22 the trappers, we all have alternates by the way also
23 who are encouraged to come if the main person can't
24 attend.

25 We have representation from large

1 tourism, two lodges, or actually one lodge and one
2 concern in the city sits on this, and we also have
3 representation from Wabaos which is a small hamlet, you
4 can't really call it a town, it's closest to the area
5 of most of the wood operation and extraction.

6 The people who are missing off this
7 committee kind of visibly are an Indian representation
8 and a Native person's representation and we don't have
9 any representation from the local logging in terms of
10 people who are operators in the district but don't
11 actually work within this area right at the time.

12 Who else is missing off that? And I
13 suppose I've always had a problem with having kind of
14 the small tourism people are wrapped up in being
15 representing small tourism and representing
16 environmental interests and concerns because basically
17 our tourisms are based on environmental concerns and
18 integrities.

19 Q. The reason we have a panel is so that
20 you can follow on each other's comments.

21 MR. FREIDIN: Again, a clarification.
22 The committee that you just described is committee
23 which is intended to deal with more than just timber
24 management.

25 MS. MacINTYRE: Right. A little example

1 maybe I can throw out of maybe what we dealt with last
2 week was, we have a road that should be designated a
3 major tourism road that goes to a ski hill that
4 bounds -- on one side of the boundary of the Tupper
5 Shields Township that the cooperative management unit
6 looks after, and we've basically put forth a set of
7 ideas and things we would like to see the MOT work on
8 to make the road safer, also make it more of a tourist
9 route. So we operate within a lot of different aspects
10 there.

11 MR. FREIDIN: Thank you.

12 MR. MARTEL: I detect that there is no
13 consistent way being used by MNR to establish
14 committees which could create problems; am I right? I
15 mean, I listened --

16 MS. MacINTYRE: I think I could answer
17 very quickly and say that they really in our situation
18 they seem to be looking at the area.

19 MR. MARTEL: Just one moment.

20 I guess what I'm trying to get at is, in
21 your opinion, should there be a uniform way that is
22 acceptable to the user groups as to how people get on
23 these committees, because I sense in some of the
24 comments made that there's no great happiness with the
25 way people got -- some people got on the committees and

1 how some people were left off and I see the creation of
2 a problem - and maybe I'm misreading it - that if you
3 don't have some form of uniformity that we know what's
4 happening in this area is similar to what's happening
5 in that area that, in fact, there could be a great deal
6 of unhappiness and unrest that this doesn't reflect or
7 represent the community.

8 MS. MacINTYRE: I would like to -- we
9 talked a little bit ourselves about how we got on these
10 committees and in every case the district manager
11 basically approached us and asked us to be on the
12 committee, but the groups themselves were never
13 approached.

14 We do have -- we did at the time have a
15 small group that was talking -- calling itself a
16 tourists accommodation group. There's also a Sault
17 naturalist in Sault Ste. Marie, there's also an
18 environmental team or league and none of those people
19 were ever approached.

20 I think that the Ministry had maybe a
21 good motive from their way of looking at it, that they
22 wanted to work with people that they felt could put in
23 the time and already were involved to certain extent,
24 but it was very much a selective and hand picked kind
25 of start to things.

1 MR. MARTEL: I hear - and I don't want to
2 pursue this too long - but I worry that when we're
3 starting a planning process such as we are that if this
4 doesn't conform -- if there isn't some uniformity, for
5 example, how you replace someone, someone coming from,
6 I think you said here, travelling all the way to
7 Chapleau for a meeting and who's lost touch with the
8 community, I sense some unhappiness with that sort of
9 approach.

10 Some of the businesses that might be
11 represented, you know, I just caught that inflection in
12 your remarks about: Well, he supplied oil to some of
13 the industry. I'm not sure if I'm being fair, but it
14 seems to me that each in your own way - and, of course,
15 my friend Ambrose, he got selected in yet a different
16 way, somebody from the environmental groups made a
17 recommendation that it be he that might be that
18 representative - and I just see that as real ad hocery.

19 MR. YURICK: I think you're quite
20 correct. I know that I said the tourism association
21 was approached. The district manager came and talked
22 to us, but it was still -- it wasn't, we weren't asked
23 to designate somebody, he just came and talked and said
24 I would like to put Dave on and that was okay with us
25 in our case because he he happened to be the chairman

1 of the association at time.

2 Our "hunter and angler person" owns a
3 logging company and was in fact challenged at one of
4 the meetings about what the OFAH policy was on
5 something or other and the individual didn't even
6 though they were discussing it.

7 Now, there seems to be a bias of some
8 timber interest there and maybe it's a little hard to
9 take some of that out of a community like Chapleau
10 which is so heavily reliant on the industry, for
11 example, the fuel dealer representing the business
12 community, but he has a close tie in terms of he does
13 business with these mills.

14 MR. MARTEL: But they would be better off
15 going, for example, through the Chamber of Commerce,
16 you might say, as a method of--

17 MR. YURICK: Yes.

18 MR. MARTEL: --saying who should
19 represent the business community?

20 MR YURICK: Please designate somebody who
21 can commit the time and whatever. So there is
22 dissatisfaction there. And in terms of "naturalist"
23 representation, the district manager said I don't even
24 want to look at this community, I want to go outside.
25 I'll go to the FON and ask them for somebody, but he

1 may have suspected that I used to be a member there and
2 I might have been the person named, so -- and knew what
3 might be coming from there.

4 But to get somebody outside of the area,
5 somebody in the Great Lakes/St. Lawrence, I mean, I'm
6 not saying this guy can't move further afield in his
7 interest than his own location, but he's lives in the
8 Sault and is now dealing with the boreal forest. and
9 the various things that go on in a community that is
10 very different from the community where he lives and
11 works.

12 MS. MACINTYRE: Just to elaborate on
13 that. Although it's two different committees, we have
14 a cooperative management and this is a stakeholders
15 committee, one of the alternatives for one of the
16 people on our committee was actually a member of the
17 Wildlands League and was put forth as being a good
18 alternative because it really was the only person that
19 could plausibly address the concerns that the other
20 person had, that his primary person had and because he
21 was outside of the area he was turned down.

22 So that shows maybe a difference between
23 the two groups; how one is a very local thing and
24 perhaps the other one is allowed to have representation
25 from other areas.

1 MR. YURICK: Another aspect of the
2 problem is that, for example, we are not in at the
3 - planning stage necessarily, we're in sort of reactive,
4 we're commenting -- the citizens or the members of the
5 stakeholders committee are commenting on something
6 that's almost done. And, in some cases - and I think
7 perhaps trappers and tourism interests in particular -
8 I see some co-opting of those communities because
9 after, if I have a complaint as somebody who's
10 interested in tourism, the MNR says back to me: Well,
11 hey, you had your representative. But I don't know
12 when the meetings are, he doesn't know my business
13 interests, I don't know his, we don't necessarily talk
14 to each other about our business interests but he's
15 there representing tourism in a general sense but knows
16 nothing of the interests with which he may be
17 competing, other tourism interests with which he may be
18 competing within that piece of real estate.

19 The same thing with the trappers. A
20 trapper with a trap line over on that side of the unit
21 doesn't know what this trapper is thinking or planning
22 and that trapper isn't brought into the committee.
23 He's allowed to go if he knows about it, but the
24 meetings aren't advertised and I don't know what
25 accountability there is on the person who is sitting at

1 the table to relate that information.

2 MR. RAFTAS: Just one comment, coming
3 from an environmental position we don't have that
4 conflict in areas, we usually have -- it's usually
5 pretty much the same, so we don't have that problem.

6 But the process, I think you're quite
7 right, as it's set up ends to build in any sort of
8 personal bias that happens to exist in the area, it
9 tends to make the small town mentality -- it
10 exaggerates it because if you don't happen to get along
11 with it and there's been some historic conflict then
12 you won't get put on the committee.

13 I can see that as being a problem. It
14 hasn't been problem in our area, at least as far as I
15 know, we haven't had anybody that wanted to come to the
16 meeting that we didn't really sort of include, but I
17 think unless there's a structure there that tends to
18 happen. And so there needs to be some structure to
19 bring people into the committee and also there needs to
20 be a structure to define the committee too because it
21 seems like we're dealing with quite different types of
22 committees and quite different activities although the
23 process is somewhat the same.

24 MR. ZYLBERBERG: Q. Is there any method
25 during these stakeholders committees or cooperative

1 management council whereby the members are held to
2 account by the constituencies that they are there to
3 represent?

4 MR. RAFTAS: A. That's a difficult one
5 because what happens is you end up spending a lot of
6 time there, to go back and be accountable to a group on
7 the large volume of stuff that you sort of go through
8 becomes sort of a difficult exercise.

9 I think the accountability becomes
10 inherent, in our situation, with the understanding of
11 what the group was formed for and if we run into
12 conflicts with the planning process with our basic
13 understanding of the group, that's when we only get
14 accountability level. So it becomes quite personal:
15 Is it a problem or is it not. If I don't see it as a
16 problem, I'm not going to bring it up with the group.
17 But as far as that interaction goes, it's --

18 MR. MARTEL: See what I worry about, if
19 someone picks an individual and he isn't representative
20 of the group the perception could be that he's there
21 doing his own thing and doesn't consult, for example,
22 whether it be the anglers and hunters - they probably
23 have in your area a club - if he's appointed by the
24 club he might take some direction as to what
25 specifically they want.

1 And if you don't do that, is the person
2 there on his own hook. I mean, he just goes and he
3 represents himself and not the interests of the club he
4 represents, and if we don't get that sorted out,
5 clearly I envisage that serious problems might develop.

6 MS. MacINTYRE: I personally have a lot
7 of problems with the way that I'm on my committee. I
8 feel accountable, and when we first set up the
9 committee, although there's three aspects I was being
10 asked to deal with, an environmental aspect even though
11 I'm not a trained naturalist or a trained biologist, I
12 was being asked to deal with the small tourism aspect
13 because I use tourism area to take parties into and I
14 pay a land use permit for that privilege, and I was
15 also being asked to represent the Goulais area
16 community which is basically made up of people, a lot
17 of people that have worked or whose families have
18 worked in the resource extraction business.

19 And I'm sure that if I was to go back to
20 my community, which I would like to do, if I was to
21 hold a general meeting and say: Hey, guys, this is
22 what's happening in Tupper Shields, it would be a
23 free-for-all, I wouldn't be able to address any of the
24 problems or the questions that the resource peoples'
25 interests lie in or just the general peoples' interest

1 about access because there's so much that you have to
2 absorb and deal with, even just at this one committee
3 meeting which happens every four weeks or so, three and
4 a half, four weeks.

5 I feel that the representation for my
6 area is very limited. I would like to see more
7 representation by local people that don't have any kind
8 of stake or any type of responsibility to this area.

9 I am in a bit of a unique situation
10 because my most strongest responsibility is to an
11 environmental theory or thesis that I have personally
12 as a personal kind of attitude and I'm willing to
13 waylay my business interests, I'm willing to let them
14 be jeopardized if it means that there's an
15 environmental concern that needs to be met, but not
16 very many people on this committee have that same
17 attitude, most of them are there to defend their use of
18 an area.

19 MR. ZYLBERBERG: Q. Can I move from that
20 to another area that's not exactly the same. Can each
21 of you in turn describe the extent to which each of
22 these committees depends on expert data, on the data
23 that are provided by experts and the extent to which
24 that data reflects the data that you would have wished
25 the committee to have to deal with your concerns?

1 MR. RAFTAS: A. Okay. Yeah. The
2 problem I have with that is that we have very single
3 sourced information, not that we don't have a lot of
4 respect for that information, I think the people that
5 worked getting us that information or has that
6 information on it are quite authentic about what they
7 do, but the concern I have is usually when I try to
8 introduce something that doesn't fit into the planning
9 scheme that's historic within, it's something to do
10 with the process, then I have no means of developing
11 the concept or presenting material that might make it
12 look more feasible.

13 And I'm always pushing in our
14 organization to try to attempt to make the planning
15 process more integral to the community, but I don't
16 have access to information that would perpetuate that
17 in the meeting process. So what happens is it tends to
18 get undermined by sort of traditional sources of
19 information, traditional mechanisms for operating in
20 that area.

21 So I see the thing as being very slow and
22 sort of evolving because there's only one flock of
23 information that comes to the meetings and that's from
24 the Ministry source.

25 Q. Is that because they don't know what

1 it is you're going to bring up; is that why the
2 information is n't well heard?

3 A. Well, I think -- well, no, no,
4 because it comes up over and over again. Maybe it's
5 information that they don't have any sort of history
6 on, or it's not necessarily straight technical
7 information but it's more social information and it
8 tends to be somewhat outside their scope as far as
9 information goes, so they tend not to know where to go
10 to get it.

11 And because I don't have the resources to
12 go and get it, it tends to be sort of left. So that
13 the evolution of the system tends to be very stagnated
14 in those areas, although we keep attempting to move it
15 but it doesn't move very quickly.

16 MR. YURICK: A. I think there was a
17 problem with the data or -- and where it comes from,
18 and that is shown by the fact that the company people
19 who are in the room sitting alongside, or at the table
20 and have a voice at the table in our stakeholders
21 committee have reams of information, they have binders
22 full of this and they have maps and all sorts of
23 whatever you want they've got it; the other people in
24 the room generally don't have a bank of knowledge to
25 draw on, or in the case of, for example, the citizens

1 representative or the business representative, the
2 knowledge that he would have, accounting or something
3 like that, is not of particular value in deciding what
4 the forest operation should be and what direction it
5 should take.

6 In talking to one of those individuals he
7 said: Look, I'm learning an awful lot, I didn't know
8 any of this stuff before but, you know, what I got from
9 the conversation was everything he was learning was
10 what the Ministry was presenting, and what the Ministry
11 was presenting was overwhelmingly forestry information.

12 If somebody comes in with another idea,
13 for example, if I say 'this is a canoe route or I think
14 it should be a canoe route, they would say: Well, we
15 used to manage it, we don't any more, therefore, it's
16 downgraded, or this has potential for canoeing or for
17 scenic value or something for tourism, they say: Who
18 says? I mean, who the hell are you to say that scenery
19 is valuable. You don't have any expertise coming to
20 the table or any credentials in bringing that sort of
21 thing.

22 So other points of view that come forward
23 are not necessarily given any credibility because they
24 aren't backed up in binders full of information.

25 MADAM CHAIR: Excuse me, Mr. Yurick. I

1 don't understand that argument. Why would people such
2 as yourself be appointed to committees then?

3 MR. YURICK: I'm not saying that we're
4 not being appointed, but the data that is presented as
5 "justifiable" and here's the hard facts, I've got a
6 binder full of hard facts that talk about ages and
7 classifications and site classes and so on, okay,
8 that's fine.

9 But I go in with something out of here
10 that's not in a binder and I say: I think the scenery
11 on this particular viewshed is of some value. People
12 say: Hey, it's not our mandate to manage scenery, we're
13 here to manage wood, we're not managing the forest per
14 se we're managing wood and timber extraction.

15 So those other things are not given very
16 much weight. And other individuals sitting around the
17 table, the business person, the trapper, whatever, they
18 kind of -- it's seems to me they look at that argument
19 the way it's presented and say: Yeah, here's the
20 binder, I have to listen to the binder because it's
21 hard facts, I can take it home and read it, but this
22 guy comes in and says it's a pretty piece of scenery,
23 that's his judgment.

24 And I think that counter argument, what
25 I've just said, like the fact they've challenged your

1 credibility or your credentials in deciding whether or
2 not you like something, I think it carries quite a bit
3 of weight when you're challenged in that way. So the
4 group tends to go with the hard data.

5 MADAM CHAIR: Well, so far as we have
6 heard aesthetic values and scenery as a feature that is
7 to be protected in timber management is not dependent
8 on someone's taste, it in fact is an issue for which
9 data could be obtained and it is a value which is
10 offered protection under guidelines within timber
11 management planning.

12 So I guess from what you're telling me,
13 it doesn't sound like your group is functioning very
14 well because it wouldn't be an issue of credibility
15 about whether something should be protected because
16 there are guidelines that would allow you to rely on
17 them for scenic values to be protected.

18 MR. YURICK: Okay. For example, in a
19 letter I got back from the Ministry they kept referring
20 to protection of fisheries, protection of moose habitat
21 and I said: Yeah, but I also wrote about protection or
22 the guidelines, you know, for protecting tourism
23 values. And they said: Yeah, well those are just
24 guidelines. I mean, we've got a book on it's, you
25 know, we've got this little - I'm sure it's been

1 entered as evidence - but we don't have to follow that
2 because it's not official or something like - you know,
3 something to that extent. It was a verbal
4 conversation. Because I was questioning why in your
5 response to me on the concerns I brought up you didn't
6 rely on this set of guidelines, and that's the answer.

7 MADAM CHAIR: Again, our understanding
8 would be that the tourism guidelines and their
9 implementation in any area, any part of the area of the
10 undertaking would be taken very seriously, so that
11 would surprise me.

12 What you're telling us is that anything
13 other than the concerns of the industry have no
14 importance at all in the discussions of the group you
15 are involved in.

16 MR. YURICK: I'm not saying no
17 importance. I'm saying they are given relatively less
18 importance because -- partly because the timber stuff
19 is there in binders and the other things are often
20 subjective and, you know, my pretty hillside is maybe
21 not yours. Certainly if it's covered with conifer it
22 is not the industry's picture of a pretty hillside.
23 They want to cut it.

24 So you've got the hard data saying there
25 is "x" amount of wood out there, you've got a

1 subjective opinion saying that's a pretty hillside and
2 the group weighs that, especially when my
3 interpretation of pretty is challenged, and they go
4 with the data because I'm not bringing hard data to the
5 table. I have no way of objectifying or quantifying
6 pretty.

7 MR. ZYLBERBERG: Q. Robin, can you
8 comment to that?

9 MS. MACINTYRE: A. To go back -- I will
10 touch on this maybe, but to go back to your previous
11 -- your question about scientific or expert data.

12 I think the one thing that is really
13 optimistic about the group, even though I wish other
14 people were benefiting from it other than I, is that
15 it's really very historical for environmentalists,
16 small tourism or interested parties to sit down with
17 industry who they have always been opposed to, always
18 had problems with in an open forum kind of idea and
19 actually try to hash out what problems and solutions
20 there could be.

21 In respect to scientific or expert data,
22 in a way seeing the industry's side of things and
23 finding out exactly how much wood they expect to
24 harvest and how much weight a skidder is and things
25 like that have really been uplifting in the sense of

1 getting some tangible ideas out there and trying to
2 figure out how to work with those ideas.

3 But, again, just being a layperson and
4 not being an industry advisor it is hard for us to come
5 up with solution because they don't want to come up
6 with the solutions themselves. They would rather be
7 told what the solution is and then they will ask where
8 they can get the money from and then they will ask the
9 Ministry if they can have the money for it and the
10 Ministry says no, so then it kind of falls by the
11 wayside, but we still have a tangible idea. So the
12 data that comes out of those meetings in that respect
13 is good.

14 Also, the MNR information, up to this
15 point what they have collected and the things that we
16 can rely on to tell us I believe in my instance are
17 reliable because I know the fish and wildlife guy, I
18 know the district forester, I know the forest access
19 person, the guy that walks out there, and I will trust
20 his judgment as far as his teachings have led him.

21 But the thing that is really hard to
22 accept is the value is always based on money and I
23 think that over the last year there has been a bit of
24 change to that respect.

25 It's kind of like an idea, if we can --

1 this is a very opinionated idea, but in our instance,
2 if we can show a valid, valid reason and a way to help
3 mitigate an operation -- for instance, a road that was
4 built through this area that, first of all, we all
5 disagreed with the road, the people that are on my side
6 of the fence, because we felt it was a special area and
7 what made what it special was the lack of access, but
8 since the road was put through and we couldn't change
9 that process we have asked for mitigations on the road,
10 that the push-outs be covered up and that the road be
11 turned into a scenic road rather than be allowed to be
12 covered with stumps and have, you know, great big piles
13 of slash by the side of it, and to that respect we have
14 kept the log landing size down. There were push-outs
15 made on the road.

16 Unless you're sitting there actually
17 asking for things all the way along, every step of the
18 way, ideas are disregarded. A good example would be
19 perhaps that the push-outs were taken into account and
20 done, yet they continued to log in a wet-weather
21 situation. Just passed the push-out you have got an
22 erosion problem and a rutting problem that will never
23 be fixed unless somebody goes out there on a
24 cooperative basis with a shovel and tries to do
25 something.

1 So in terms of what actually -- I was
2 going to say something about what you said, Ron, but I
3 guess I can leave it at that.

4 The database is only what you can
5 accumulate yourself and what the MNR wants to tell you.
6 We have the venue to ask people to come in. We have
7 asked quite consistently for a forest institute guy to
8 come in and talk about regeneration in a certain cut
9 situation and I'm pretty sure that that will happen,
10 but as far as we take it it seems to be just a
11 knowledge situation where we get to ask somebody to
12 come in and give us advice and we really don't get
13 anyone to give us direct advise about a situation.
14 They are just there as a resource person.

15 MR. MARTEL: Are you suggesting that MNR
16 should put forth more alternatives to you?

17 I don't mean alternatives to the proposal
18 per se, this route versus that route, but suggestions
19 on how one could mitigate or make it better?

20 In other words, they know from their vast
21 experience what they can do to ameliorate a situation
22 and they might offer that in a more forthright manner
23 so that you have some options to work with because a
24 lot of people you are saying, I think all of you are
25 saying, don't have that much background.

1 MS. MACINTYRE: Well, maybe I can bring
2 an example up. Can I bring my fall logging example up?
3 I'm asking for advice here.

4 MADAM CHAIR: Go ahead, Ms. MacIntyre.

5 MS. MACINTYRE: It is just that I've got
6 a couple of photographs and they might illustrate what
7 I'm trying to say.

8 In the Tuppershields Township, which was
9 designated a cooperatively managed area with special
10 considerations, our main impact is to mitigate the
11 problems between industry and tourism.

12 The company was logging during the fall
13 and there was a lot of concerns raised at the inception
14 of this committee that fall logging was a detrimental
15 attribute of the area in most seasons and that perhaps
16 we could try and work around it in some way.

17 We told the district forester we were
18 very concerned about the amount of logging that was
19 going on during a couple of weeks. This was in
20 November, the first two weeks of November, I believe.
21 We went up there and we walked a lot of the route and
22 we saw a lot of the improvements that they would never
23 have done unless it was designated a tourism road, and
24 we took photographs of those.

25 Initially we went with a movie camera

1 because we wanted to bring a picture of the road to
2 members of the committee that never get a chance to go
3 up there and we wanted to show the good parts and we
4 wanted to keep an eye out and make sure that they were
5 doing what they said they would do.

6 All the pictures that are taken here, the
7 top one and the second one, are taken at one spot and
8 the other one is taken on the Achigon Road which is
9 just as you go into this area. It's a prime tourism
10 route. It is maybe two miles off the main highway. It
11 was a route to a little lake called Leaf Lake, the
12 locals call it Leaf Lake, and it was a walking trail
13 basically. People had driven in there years and year
14 before. It was a winter road originally, a winter
15 logged road, maybe logged in the 1940s, 1950's.

16 This was a situation where I asked the
17 committee and I asked the Ministry if this logging
18 could be suspended or curtailed until everything dried
19 up. We had a very wet fall. Part of the reason I felt
20 that they would be able to make this decision was that
21 in Sheilds Township, on the same type of land base,
22 they had had a situation, which you may have already
23 heard of. I believe that Forests for Tomorrow -- I'm
24 sorry.

25 MR. FREIDIN: Mr. Robinson.

1 MS. MACINTYRE: Pardon me?

2 MR. FREIDIN: Mr. Robinson?

3 MS. MACINTYRE: No, I think it was Mr.

4 Mike O'Connor testified on behalf of either FON or
5 Forests for Tomorrow.

6 MR. FREIDIN: It was Forests for
7 Tomorrow.

8 MS. MACINTYRE: That was a situation
9 where -- almost exactly the same type of situation
10 where we had a fall logging situation that caused a lot
11 of damage. I'm not saying that all fall logging does,
12 but certainly in some cases there are roads that should
13 not be used.

14 The Ministry verbally assured me that it
15 was pretty bad, but they said the worse was probably
16 over because they thought it would tighten up. I had a
17 verbal assurance that we would have a two-week
18 cessation of logging. I am almost guaranteed it. Of
19 course, it was verbal and it was a telephone
20 conversation.

21 I called two days later and they said
22 they decided that everything had tightened up enough to
23 continue, and the weather continued in the same way for
24 two or three weeks more.

25 We're aware of the pressures that the

1 company is under. They had to suspend their operations
2 earlier on in the summer building the road because of
3 problems with cottagers, but I believe that if the
4 planning process had happened in a more positive way
5 where the problems with the cottagers and that whole
6 idea had been ironed out way before the plan was
7 approved that maybe this situation wouldn't have
8 happened either. There would have been less...

9 Now, I've had a lot of good results
10 talking to my local office about this. Although the
11 operations weren't suspended and we felt very badly
12 about the degradation, we are talking about mitigation
13 measures. The company has never agreed to any
14 mitigation measures, but we are talking about, as a
15 group, how we can mitigate this in the spring and there
16 has also been a lot of assurance that fall logging is
17 something that our committee is going to have to look
18 at and deal with and try to figure out some guidelines
19 for.

20 I guess my main point on this is that if
21 there was a data base, if there was some kind of a
22 policy for Ontario forests and a guideline or a
23 framework that the Ministry could refer to rather than
24 always being the bad guy, like the district forester
25 saying: Sorry, industry, I am going to shut you down

1 for two weeks, if he would be able to point to this and
2 say you have the guideline for depth of mud or you have
3 -- the guidelines skidder sinkage or something, then
4 perhaps there would be a way that we could around this
5 kind of conflict of always having a bad guy, a good guy
6 and somebody stuck in the middle which is what the
7 cooperative management team is basically.

8 MR. ZYLBERBERG: Can that series of
9 photographs be given an exhibit number, Madam Chair.

10 MADAM CHAIR: Yes. This will become
11 Exhibit 2197. When were these pictures taken, Ms.
12 MacIntyre?

13 MS. MACINTYRE: They were taken November
14 of last year.

15 ---EXHIBIT NO. 2197: Photographs depicting logging
16 practices in Tupper Shields
Township taken in November 1991.

17 MR. ZYLBERBERG: Q. Before you move on
18 to another area in your statement, Ms. MacIntyre, is
19 the point at which you said that you were told that
20 even if the MNR pulled the company's work permit there
21 was no guarantee that they would comply.

22 MS. MACINTYRE: A. Yes, I think that --
23 now, I certainly don't mean that to be incriminatory or
24 anything.

25 I think what was referred to in my

1 conversation with the MNR is that they felt that the
2 damage had already happened and they also felt that a
3 good working relationship was much more important than
4 creating problems at this stage with the industry.

5 I put down a note for that. I think that
6 what they meant was not so much that they wouldn't
7 comply is that they would have to get a court order
8 perhaps or if tempers flared there might be some kind
9 of a court order injunction.

10 Now, I'm as confused about this as it
11 sounds on the paper. I really don't know what it
12 means, and since then I found out that, yes, they can
13 get a court injunction; yes, they can get a stop work
14 permit and it's very rare -- in fact, the people that
15 I've just casually talked to about this, I don't think
16 that there really has been one of these in our area.
17 There has been mitigation, but I could be wrong. You
18 could correct me, but...

19 Q. The three committees that the three
20 of you know, have you been involved in setting the
21 objectives that the committees then try and carry you
22 out or have you always been in the position of
23 responding to objectives that have been created for the
24 committee by others?

25 MR. RAFTAS: A. If you are referring to

1 the objectives of the plan, in the initial plan we
2 weren't involved in the objectives at all.

3 What happened was we came on board after
4 they were established. The objectives for the plan
5 were sort of spelled out and they tend to be relatively
6 traditional. They tend to be oriented toward
7 continuation of the resource extraction at the level
8 that's required by the surrounding mills.

9 So the problem is that it sets up a very
10 difficult situation. The plan gets developed by the
11 planners with these objectives in mind and then we are
12 supposed to go in and assess the consequences of their
13 work.

14 The problem with that is these people
15 have been committed to this for a fairly intensive
16 period, up to 18 months working away on this, and I
17 find what happens is we get a very defensive action.
18 What we get is the response, the rationale that they
19 have developed over this period of time for why they
20 did that. This process forces them to be very
21 intransigent in their response because if they start
22 moving around at this point it tends to undermine their
23 logic process.

24 So I see this happening at the public
25 meetings at the same time too. The public don't get a

1 view point as to where the plan is going. They just
2 get an assessment of how far it has gone and what
3 direction it is. They have no way of interacting in
4 the development of the plan.

5 I think for a group like ours that's a
6 real problem because what we would like to do is be
7 involved in the establishing of the objectives which we
8 are attempting to do this time, and then we use the
9 objectives and we compare the results of the planning
10 process and then we can assess how effective the
11 planning process actually was. Right now we have
12 nothing to compare it to. We just have their
13 objectives which we may or may not agree with and look
14 at the results of the plan.

15 I think if we were involved initially in
16 the development of the objectives and that these
17 objectives were expanded out, this is the potential
18 where there is a lot of potential for improvement in
19 the planning process.

20 MR. MARTEL: When were you appointed to
21 this committee?

22 MR. RAFTAS: Pardon me?

23 MR. MARTEL: When were you appointed to
24 this committee?

25 MR. RAFTAS: I guess probably about a

1 year ago March. 12 months or so.

2 MR. MARTEL: I am just having difficulty
3 with how come you got in so late. Eighteen months you
4 said the process had gone on.

5 MR. RAFTAS: Well, I think with the
6 Timiskaming plan they were late setting up the
7 stakeholder's committee. It was a fairly new idea.
8 There is only three of them going in the province.
9 They didn't quite know how to do it and their initial
10 attempts to find people didn't work out as quickly as
11 it should have. So it wasn't an ideal situation.

12 At the same time we had lots to learn.
13 So we didn't even know what they were doing for the
14 first number of months and it took us a while to sort
15 of understand the process.

16 MR. FREIDIN: I will be exploring that,
17 Mr. Martel.

18 MR. MARTEL: Okay, fine. Thank you.

19 MR. YURICK: I would reiterate pretty
20 well everything that Ambrose has said. I am not on the
21 committee. I am a viewer of the committee and viewer
22 of the open houses and so on.

23 The experience that I would add to what
24 he has said or the observation I would add is that you
25 have a timber management plan and all of its intended

1 objectives and so on that is in place more or less.
2 It's already fairly close to the time when
3 implementation is supposed to start and you are
4 bringing in a bunch of other interest groups and they
5 are trying to turn a timber management plan into a
6 forest management plan to look at all of their other
7 concerns, and those objectives are not as all full
8 blown as they should have been in the first place.

9 I think the group sort of is sitting
10 there maybe ineffectively spinning its wheel trying to
11 get forest management objectives to take these other
12 things into account and I think with not a great deal
13 of satisfaction towards their concerns.

14 MS. MACINTYRE: I think that I agree with
15 those two statements. The thing that we seem to be
16 dealing with a lot is really tangible on-site things
17 which are overlooked by other users.

18 Right now we're talking about planting
19 trees on some of the turnouts. We're talking about
20 ways that we can improve habitat for wildlife viewing
21 opportunities which is in the MNR's mandate for the
22 area, but we really seem to be doing tangible -- trying
23 to come up with tangible ideas on how to make the area
24 better quality for people that want to use it.

25 We're not dealing with what the industry

1 is going to have to do to fix the ruts, we're not
2 dealing with what the next five-year plan should be
3 now, we're looking at problem with this five-year plan.

4 I think that we're in on the ground
5 floor, but we really are looking at -- always looking
6 at mitigating results of the primary industry which is
7 logging. I'm wondering about our mandate, to be a
8 cooperative full input bunch of people that have
9 cooperative abilities to manage the area for everyone.
10 I'm still wondering about whether the industry isn't
11 getting the top of the heap.

12 I mean, they have been very amenable in
13 coming to the meetings and to talking and answering
14 questions, but I haven't seen -- only in one instance
15 have I seen some mitigations for the benefit of tourism
16 environmental rather than for industry.

17 MR. ZYLBERBERG: Q. Have any of you
18 participated in the public open houses that have been
19 part of the consultation process, and can you comment
20 on the strengths and weaknesses that you have seen?

21 MR. RAFTAS: A. One of the strengths I
22 think that worked out fairly well was, we suggested
23 that they involve -- the timber management process is a
24 problem that really requires more community
25 involvement. So what I suggested is they go to one of

1 the schools and invite one of the school -- I think it
2 was the high schools, if they wanted to come to the
3 planning process, come to the meeting and stuff.

4 They did come and it actually was helpful
5 in that they weren't there for a specific objective
6 complaint. They wanted to understand the whole
7 process. So in that instance we saw what I thought
8 should be happening at these sorts of meeting.

9 The people that were there, the MNR
10 people that were there explained the process, the
11 planning process and how it actually happened and, you
12 know, you started off with the maps and stuff. So
13 these people got a fairly broad perspective on it.

14 But usually what happens at the meetings
15 is people will come in with an isolated concern and
16 this is the whole context of the meeting, we take this
17 concern and this person has this piece of property that
18 they have some interest in and they spend time trying
19 to figure out how they can manage to change the plan or
20 change some part of the process so they can take care
21 of that isolated interest.

22 But the people that don't show up at
23 these meetings -- and I think the area that the
24 planning process should be expanding into is the people
25 that have community economic interests. We tend to see

1 it as a timber management process, but we also are
2 trying to manage communities and long-term survival in
3 our area, and this area doesn't seem to fit into the
4 meeting process or the mechanism in that instance at
5 all.

6 I don't know exactly how you are going to
7 incorporate that into the community except by educating
8 the community more effectively on what this plan
9 actually means to them in the long run.

10 So we initiated -- for this next unit
11 that we are working on we initiated sort of a change of
12 style than the initial style, this meeting that we are
13 trying to attempt to set up the objectives where the
14 planning committee is going to be at the initial
15 meeting and we are going to try to change the process
16 somewhat so that it is not a one-on-one with each
17 person because I find that being quite intimidating and
18 allow people to come in and more treat them as a group
19 so that they can come one with their questions standing
20 in their group of community people.

21 We are looking at a little bit of change
22 in the process to see if we can change these doughnut
23 shows around a little bit because I don't see them as
24 being highly successful the way they're going right now
25 except for industry people who find out where the cuts

1 are going to be and they can mark their maps up. It
2 suits them, I think, fine but I don't know for a
3 community as a whole if it really satisfies them.

4 Q. Ron, do you have anything to add?

5 MR. YURICK: A. The question related to
6 my feelings about the way the hope house was presented?

7 Q. Yes. Can you comment on the
8 strengths and the weaknesses of the way the open houses
9 are presented?

10 A. I guess the strength is that they're
11 being done, that people are allowed to come and
12 question, but I find some problems.

13 I see the open houses -- in my
14 experience, very often the people there are more than
15 willing to deal with some small site-specific concern,
16 something that's out behind my cottage or that's my
17 fishing hole, or something like that, please protect
18 it.

19 I think the industry has been very
20 accommodating and the Ministry very accommodating in
21 meeting some of those concerns, but there is no --
22 there is difficult barriers put in your way if you want
23 to look at unit-wide things.

24 There are township maps that cover the
25 better part of one of these tables, four inches to the

1 mile, but when you go to look at a map on the wall
2 it's, I guess, one inch to the mile or less than that
3 and it's very hard to find where you are on the map
4 because, for example, the lakes aren't coloured in in
5 more than enough cases, even in spite of asking at one
6 open house: Can you guys please provide this
7 information so we can relate to the map and what it
8 represents.

9 The values on the maps are all timber
10 values with the exception of the so-called value
11 mapping, but it's working group maps, it's age class
12 maps, it's road location maps, it's cut-over maps, it's
13 regen maps, et cetera, and many of the other values are
14 not there in terms of, for example, scenery,
15 recreational potential.

16 A tourism value may be shown as a
17 pinpoint where the outpost location is or the lodge or
18 a camp site or something like that and they don't show
19 the river corridor that the canoeist might be canoeing
20 down. The camp sites might be shown or the outpost
21 cabin, but the outpost lake is not shown as a value.

22 There's also values that aren't there
23 because they don't fall into the Ministry's criteria of
24 values. We look for raptors, we look for heronries, we
25 look for recreational properties, but we don't look for

1 fragile landscapes.

2 We are only now starting to look at old
3 growth. We don't look at sand dunes, we don't look at
4 river levies, we don't look at various types of bogs or
5 wetlands and so on. Obviously, every one of those
6 things can't be mapped in detail and then somebody
7 stand back and make decisions about cutting this tree
8 and not that one.

9 Surely out there there are outstanding
10 examples of some of the things that is there in our
11 natural heritage and with the exception of those sort
12 of high priorities, the whooping cranes of the world,
13 we don't look at all the other sensitive things, many
14 of which may be endangered.

15 At the hope houses, you go in there and
16 if you know something about the process it seems to me
17 reasonable that you would ask questions to get more
18 information. If you ask more than a certain level, if
19 you go beyond a certain point, as Ambrose said, there
20 is almost a defensiveness, a protecting of: Hey, we've
21 worked 18 months on this thing. It's our baby, we're
22 going to protect it.

23 If you don't agree with their assumptions
24 or you challenge their assumptions you run into that.
25 Sometimes very uncomfortable situations and sometimes

1 even intimidation in terms of numbers of Ministry and
2 industry people that sort of come around to listen to
3 the conversation but don't always partake in the
4 conversation.

5 I would point out, by the way, that at
6 Ontario Hydro open houses I've had a completely
7 opposite type of response. Everybody comes and they
8 are very interested. You know, anybody can come over
9 and talk to you about something, but I haven't seen
10 that at timber open houses.

11 Another thing is that the maps are
12 disjointed, you have to walk across the room to go from
13 one township to another. On some of the wall maps you
14 can't -- very often it's just the maps they work with
15 and are familiar with on a day by day basis.

16 For me as the public to go in it's very
17 difficult to follow from here to that map, to that map,
18 just to get a picture of things all in your mind and
19 that is all within one management unit.

20 I shutter to think of how a person is
21 supposed to deal with it if his or her concern is more
22 or less on the boundary of the units, because the other
23 maps from just across the line would be at a completely
24 different open house.

25 MS. MacINTYRE: A. I guess a couple of

1 things about things I see that I hate to see the
2 Ministry struggle with, first of all.

3 Open discussions where the notice is in
4 the paper and they have a lot of people coming that are
5 quite -- have aggressive polar ideas and the Ministry
6 ends up in a very defensive position and fielding
7 problems and questions, and to the person that doesn't
8 have a conception that defensive quality comes off as
9 being: Oh, oh, these guys have been doing something
10 bad, because no one would be as mad at them if, you
11 know...

12 And I've people that should trust the
13 Ministry and have no reason to doubt the Ministry. I
14 group up in my earlier years in southern Ontario when
15 the Ministry was really a major friend to you, the
16 Ministry of Natural Resources answered all your
17 questions and they were great. It wasn't until I moved
18 to the north that I saw this conception of the bad guy,
19 you know, the conservation officer that's always there
20 when you don't want him and that kind of thing.

21 So I think that that whole kind of thing
22 could be possibly corrected by some more education at a
23 younger level through school work and through exposing
24 Ministry of Natural Resources, not in the forum of bill
25 board sent around to schools or to libraries, but in

1 the forum of people with films about animals or some
2 kind of work that could demonstrate more accurately
3 what they're all about.

4 I don't like seeing them in that position
5 to have to stand up there and field questions from an
6 angry public and it hurts me. I've got friends within
7 the Ministry, it hurts me to see them have to do that.

8 The constructive criticism I have of the
9 open house that they've told me they will address is
10 that I really believe that aerial photographs should be
11 used for more of the areas in question, not only are
12 the maps hard to read, a lot of people don't read maps
13 and a lot of the colours are just too confusing for
14 someone that's not aware of what the Ministry has in
15 store with their reds and greens and blues.

16 The fact that someone is there to help
17 you through the map is almost an intimidation feature
18 in itself because people immediately have to tell somebody
19 they don't know what their likes and dislikes or
20 problems are, and it immediately puts them on the case
21 of not having basically an integrity of their own to
22 just be able to listen and sit and think for a while
23 about something, they have to immediately start to talk
24 about what their concerns are.

25 The concerned values are a little bit

1 strange in terms of the special consideration values.
2 For instance, they pinpoint tourism lodges. Well - I
3 think you covered this Ron-- they won't call it a
4 tourism lake or they won't call it an area of concern
5 around a tourism lake or lodge. The -- I had another
6 idea.

7 The other thing that's not addressed that
8 I miss is the idea of cumulative impacts of an area.
9 Usually -- and they're very willing to take you into
10 the office down below, you know, in my office and show
11 you the previous maps, but those maps aren't usually at
12 the site of the open houses. And if you're trying to
13 find out, for instance, a reallocation of wood what
14 it's going to do to a certain township and whether that
15 township has had a lot of cuts before, if you're not
16 that familiar with it, then you're in situation of
17 having to go and do a lot of leg work to look at it.

18 And in certain situations I'm afraid,
19 although I would like to trust the Ministry to
20 designate proper areas and to be doing a good job, I
21 have a strong personal feeling that that's not working
22 out well in our area because we have a lot of
23 reallocation of wood to make up for some wood that has
24 been misallocated.

25 And in one township, for example, there's

1 an area that the trappers are very concerned about
2 because it's going to be almost clearcut by the end of
3 this five-year plan. And a situation like that isn't
4 evident. The Ministry knows about it and they try to
5 work around it, and I'm sure they do to the best of
6 their ability, but it's not evident to the people in
7 the general public.

8 I have a problem with their value system
9 because they manage - again, a personal opinion - they
10 manage for industry and for socio-economic and they
11 manage for the benefit of the people of Ontario and
12 I've never very rarely seen them manage for the benefit
13 of a value like wildlife or watershed, and those are
14 values that there's time limitations. I mean, you can
15 certainly prevent silt from running into a stream, it's
16 awfully hard to take a look at a whole watershed system
17 that encompasses eight townships and try to determine
18 what the cumulative impact is.

19 And I'm not really even sure if that's
20 the Ministry's job or not, but that's something that's
21 missing from my idea of what they should be
22 representing.

23 And I guess basically the major concern
24 that I have is that when you do walk into an open house
25 you feel that the process has already happened, even

1 though they make you aware that you can have an
2 amendment or you can have a change to the plan, it does
3 seem to be laid out as an extremely hard thing to do
4 and it immediately deters anyone that doesn't have
5 something to fight for something, somebody with a a
6 really aggressive idea of something being wrong out
7 there.

8 And that's basically it, I guess.

9 Q. Your experience with these
10 committees, are they managing just for the timber
11 resource or are they coorindating management for timber
12 and tourism and game and fish and fur bearing animals
13 and economic development?

14 A. Can I answer that quickly? I believe
15 that in some areas they're looking at integrated
16 resource and certainly in our cooperative management
17 area. I hope by the next five-year plan we will
18 have -- tourism will have equal consideration as we do
19 to the industry.

20 In terms of managing for the resource, I
21 think every district is maybe a little bit different
22 and that's where the problems lie. Like, I'm aware
23 that they have a furbearers draft policy and basically
24 the furbearers draft policy, if it was implemented, it
25 would have a lot of changes to AOCs and to ideas of how

1 certain areas are considered or looked at.

2 But so far they're just using the moose
3 aquatic guidelines for most of the furbearers and
4 they're using the harvestable fishing species for the
5 other aquatic problems, and I think that that's
6 something that should be implemented, it should be --
7 we should look at it in a more holistic approach
8 because there's things that fall through the cracks.

9 There's certainly problems with not
10 implementing the furbearers guideline in terms of, I
11 don't know, beaver for instance, and this is kind of a
12 contentious point, but a lot of trappers say that jack
13 pine around the lake, you shouldn't leave an AOC of
14 jack pine around the lake because it just falls over
15 and it falls in the water or it inhibits the growth of
16 the species that the beaver depends on. And I believe
17 that in every other case though that the AOCs should be
18 larger and should be bigger.

19 MR. YURICK: A. My response is that they
20 are managing primarily for timber and with more and
21 more emphasis on regeneration and, as time has gone by,
22 through my time of observation, as the years have gone
23 by I've noticed more management for some of the other
24 concerns but I don't think those other concerns are
25 anywhere near enough highlighted at this point.

1 In terms of the number of species, as
2 Robin has referred to, we use the moose guidelines to
3 protect everything. That's not feasible. We use the
4 game fish guidelines, that doesn't necessarily protect
5 bait fish or forage base.

6 The tourism values guidelines, as I
7 mentioned before, at least in correspondence, verbal
8 correspondence I've had with Ministry within the last
9 year don't even matter yet and, you know, with relation
10 to trappers, it seems not to matter that we will do a
11 lot of cutting on this particular individual's trap
12 line and then, you know -- so he's essentially wiped
13 out of things like marten and so on, and we'll let the
14 other one go untampered with, you know, we'll get him in
15 five years type of thing, but it doesn't matter that we
16 essentially put one person out of business for quite a
17 number of years after they've more or less clearcut the
18 conifer off his or her trap line.

19 These things are coming, but they're
20 coming I think painfully slowly and by the time we have
21 cut our way through to the other end of the forest I
22 don't think -- at the rate the changes are happening, I
23 don't think they'll be in place by -- long before it's
24 too late.

25 The same with tourism, there's other

1 values. The Ministry and the Industry have continued
2 to push the line that: Hey, it's FMA money, it's
3 government roads, Joe fisherman, you paid for it, you
4 have every right to use it. Well, that's wiping out
5 another industry in northern Ontario, and changes are
6 nowhere near fast enough.

7 The experience I have in the Chapleau
8 District any protection that we have gotten is not
9 through the timber management plans, it's been through
10 the fisheries management plan which is managing
11 primarily for different types of fishing within the
12 district.

13 But the timber operations -- they respect
14 those other plans but they don't really acknowledge
15 their presence to any great degree.

16 MR. RAFTAS: A. I guess I could see a
17 lot of the same sort of perspective, it seems like
18 we're at very much evolutionary state, we have a group
19 that essentially work with timber managers taking over
20 other responsibilities and attempting to integrate them
21 into their plan.

22 What I see sort of missing in this is how
23 to establish these values. I don't know if there's any
24 mechanism to do that. I think there needs to be - I
25 get back to this economic - there needs to be some way

1 of analysing whether the economic perspective on a
2 certain piece of timber is of such a value that
3 everybody else should have to make adjustments to that
4 particular value. Is that value so extreme that there
5 can't be more flexibility in there.

6 So I would like to somehow integrate in
7 this planning process some mechanism for using plot
8 economics to find out whether we're -- how heavily
9 we're subsidizing that plot, how much it's really going
10 to cost is if we don't cut it. Maybe it's going to
11 save us a lot of money if we don't cut it if the
12 economics are that poor on it, and if we can't plant
13 it, maybe it shouldn't be cut it at all.

14 So it gets back to establishing a value
15 on that timber because right now it seems when the rest
16 of the plan is put together it's the unquestionable
17 value, it's timber and we have to get "x" amount of it,
18 everything else has to adjust around that concept,
19 but this is the timber we need.

20 And so I think there has to be some way
21 of rationalizing that demand, not just the maximum
22 allowable depreciation but the real community benefit,
23 are we really getting that much out of it that we have
24 to force all these other people to adjust. There has
25 to be some rationalization that process.

1 I don't know how you put that in, but I
2 think it must have something to do with the return to
3 the community.

4 Q. All right.

5 MADAM CHAIR: I think we're getting ready
6 for a break. If this is a convenient time for your
7 witnesses.

8 MR. ZYLBERBERG: Sure. Perhaps it should
9 be a short one having regard to the hour.

10 MADAM CHAIR: Yes. How long will you be
11 in cross-examination, Mr. Freidin?

12 MR. FREIDIN: 15 minutes, 20 minutes.

13 MADAM CHAIR: All right. We're doing
14 okay. Let's take a 15-minute break.

15 ---Recess at 2:50 p.m.

16 ---On resuming at 3:10 p.m.

17 MADAM CHAIR: Mr. Zylberberg.

18 MR. ZYLBERBERG: Thank you, Madam Chair.

19 First let me apologize to the panel for
20 the fact that time never permits us to ask you all the
21 questions that can enlighten us on. There's a couple
22 more that hope you can enlighten the Board on.

23 Q. Can you give the Board an indication
24 how much time it takes for somebody to do an effective
25 job sitting on these committees or being involved in

1 these committees, and to tell the Board about which of
2 the people that are called upon get paid for
3 preparation and attendance and which don't.

4 MR. RAFTAS: A. In our area as the
5 chairperson, so I sort of have to orchestrate the
6 meetings as well as be there, so that takes -- we have
7 meetings every month at least, and then we also try to
8 get some training done every year. Last year I was up
9 to Timmins for a two-day session on forest planning.
10 So that's some sources of information.

11 The other area is I belong to local
12 environmental groups where there's forest issues active
13 there, so that's other sources of information. So
14 that's essentially the amounts of time involved in it.

15 I guess probably one of the biggest
16 frustrations is that I always feel my effectiveness is
17 compromised by how much time you have to allot to it.
18 I don't know that it should be a paid position or
19 anything, but I think it really puts a lot of pressure
20 on people that are doing this at the end of their day
21 to come up with the amount of input that it really
22 takes to run, to put a well-stated reasonable sort of
23 input into that planning process. So that's sort of a
24 rough understanding of what sort of costs and feels
25 like.

1 But I still think it's quite worthwhile
2 and I don't know that there's a lot of changes -- areas
3 for suggesting to change it. I think if it was a paid
4 process it would be quite a different process and it
5 would lose a lot of the community validity. So I think
6 it many senses it might have to be this way.

7 Q. Mr. Yurick?

8 MR. YURICK: A. I'm not a member of the
9 panel in this case but I know members of the panel, I
10 know the meetings are quite frequent. I would very
11 strongly endorse what Ambrose has just said, that if if
12 you're going to do an effective job you've got an awful
13 lot of homework to do and particularly if you're coming
14 from some area of interest that has really had nothing
15 to do with forestry practices, for example, the
16 business representative.

17 To do that job effectively and to
18 represent your "constituency group", get back to them,
19 involve them, et cetera, is a lot of time.

20 I personally think that your
21 effectiveness is not compromised if there's any payment
22 involved and, in fact, given that it is a fairly large
23 contribution to your local society and to the province
24 in general I think that compensation is warranted.

25 Some of these people, the trappers group

1 for example, there may be people as a representative
2 has very low income and it's kind of a defeatist
3 situation for that individual sitting in a room at a
4 table with a bunch of Ministry people who are getting
5 time and a half for being an evening meeting or
6 something like that, or at least the perception is
7 there that that is happening.

8 All you're trying to do is to defend your
9 piece of the resource pie for your benefit and for the
10 benefit of your co-trappers or whatever the case may be
11 and because you're representing them, it seems that
12 there should be some compensation.

13 I would say in the case of the panel that
14 I'm with there is mileage being made to the naturalist
15 and to the local citizens representative, the fellow who
16 was in the community and then moved to New Liskeard, so
17 mileage is being paid.

18 And I would add one other thing with
19 regard to that. I'm not sure that individual is still
20 there, I know he wanted to resign and I'm not sure if
21 that has gone through or not. The district manager
22 wanted him to stay on side, primarily for the reason I
23 think that just to bring a new citizen's person in and
24 get the new person up to speed would take, you know,
25 many meetings and one awful pile of reading and

1 understanding for a new person to come on board at this
2 point. I'm not sure if he's there or not. I know he
3 wanted out, I know the district manager wanted him to
4 stay on.

5 MS. MacINTYRE: A. It's my understanding
6 that the MNR is paid. I know that they've had a lot of
7 cutbacks recently and perhaps -- I know that some of
8 the meetings they go to that aren't like cooperative
9 management meetings they do so as a side line of their
10 job not in a paid capacity.

11 Our meetings are almost always at five
12 o'clock, six o'clock, usually they go on until nine
13 o'clock, and I would say that I probably put in about a
14 good 10 hours a week on related issues to keep -- so
15 that I feel slightly adept at things that we should be
16 doing with that.

17 The MNR themselves are very good about
18 researching and following up on leads we give them. I
19 really wanted to find out about low pressure tires for
20 skidders and they've hounded the industry in this case
21 to come up with some kind of a price tag and to come up
22 with the availability of a machine such as that.

23 I think the big complaint I've got is
24 that you almost become inundated, as soon as you show
25 an interest. I think that in my case I really was, and

1 I've kept up with it so far, but a lot of things have
2 suffered. My family life suffered and the amount of
3 work -- being self-employed I spend a lot of my hours
4 doing things that don't make me any employment money
5 now, but I think it's worth it.

6 But I would like them to look further
7 afield, in some cases, for other people that possibly
8 could be interested. And an example would be perhaps
9 the list that we first came up on who should be on our
10 cooperative management committee. There were quite a
11 few people that were articulated by the members of the
12 committee as being interested parties, interested
13 people, both from industry, both from environmental --
14 and I wish that they had approached, or that they would
15 approach some of these people for other issues.

16 Because I've been -- it just seems to me
17 that I get asked to a lot of meetings and I'm getting
18 tired. I've been doing it full time now for about a
19 year and I find it tiring. I live out of town, the
20 meetings are always in town, even though four members
21 out of nine are to the north of town. So that's the
22 basic thing.

23 As far as remuneration, I'd rather save
24 our money for data reports or for accessing things that
25 would help our community rather than personally being

1 paid, but I think that we have a real lack of funds for
2 looking into situations such as this and it's something
3 that I'd like to see happen, a fund for looking into
4 alternative ways to deal with land mass.

5 MR. YURICK: A. Could I add just one
6 more point. I think we are all in agreement that this
7 should be a proactive process, that the outside
8 interest should be in from the start instead of
9 reacting to what the company has presented or the
10 Ministry and company together have presented.

11 And if the process happens again, like we
12 are just in the case of Superior, April the 1st was the
13 start of the five-year management plan, but somewhere
14 in the not to distant future they will start working on
15 the next five-year management plan and I think we would
16 all argue that these other interests should be in from
17 the start of that planning process, and if you bring
18 any individual to the table, or all of these various
19 interest groups to the table, I think we should be
20 asking for -- I think it's reasonable to expect a
21 five-year commitment from those individuals and
22 certainly from those groups, but if it's an individual
23 who carries the ball for another association or another
24 interest group for five years, that's an awful lot to
25 ask for somebody on a continual, ongoing, voluntary

1 basis.

2 MS. MacINTYRE: A. If I can add
3 something also before Ambrose starts, is that in areas
4 especially in northern Ontario the MNR does have a
5 limited base of people to work with. I believe that
6 through education perhaps they could expand that base
7 to get the kind of input that they want, that they're
8 obviously getting from us.

9 There's three other groups pending in the
10 Sault area all of which I've been involved with at some
11 time and which I won't be able to be involved with
12 because I'm on the cooperative management planning team
13 already, and I worry a little bit about representation
14 on those groups and whether the Ministry will be able
15 to find the people that they need to represent certain
16 environmental aspects.

17 Q. Can I ask you if you have anything to
18 comment on that, Ambrose. After that, could all three
19 of you give the Board your views as to how the process
20 you're seeing could be improved?

21 MR. RAFTAS: A. Okay. One of the areas
22 that I think is significant is the process has made I
23 think some very significant steps to this point. What
24 I would really hate to see is it described in the
25 context that it exists now and be told that the

1 Ministry be told that that is good enough, because I
2 think there's really a long way to go, I think it's an
3 evolutionary process.

4 How far can it go. I see it tending
5 toward a community type development. We have
6 generally, speaking from our area, northeastern Ontario
7 there's a lot of problems with its communities and its
8 resource based industries have rises and falls, we
9 don't have the sustainability, even in the sustainable
10 market such as forestry because the markets move
11 around.

12 So we basically need a lot more
13 orchestrating in the resource management sector and I
14 see that evolving into community and economic
15 priorities and this becoming part of that community.
16 process.

17 I think -- I don't know that you can move
18 into this very quickly, but I think it's something that
19 has to be looked at and given to the MNR as a type
20 mandate, how far can you take it, rather than saying
21 this is good enough, don't do any more, because I think
22 it has to move on.

23 The other thing I think that's important
24 is that we have to standardize it between districts, we
25 have to set that minimum level so that every district

1 gets at least their level of cooperative planning in
2 the process because I know the districts are inherently
3 very self-contained as far as their power structure
4 goes, they have a lot of power, they can do a lot of
5 things on their own, and unless you have that regional
6 or provincial standard for this planning process, in
7 some areas it would be a lot less effective and it
8 won't be working as effectively as others.

9 And I guess the other one that I talked
10 to earlier is this preliminary involvement in the
11 objectives. This could be developed from community
12 objectives that could fit into a timber management plan
13 or resource area plan, so these objectives for the
14 community could be brought into it or they could be
15 brought into it at other stages with other people being
16 involved. So I see the objectives as a very broad open
17 sort of operation where as many people as possible can
18 be brought into that and that these objectives be
19 carried through the planning process and tested after
20 the plan has been implemented to see if these
21 objectives are being met, these community type of
22 objectives.

23 So that's sort of the areas that I would
24 like to see the activity evolve in.

25 MR. YURICK: A. In no particular order.

1 First, start off with Ambrose's comment on asking for
2 some sort of uniform approach cross the north. I would
3 more or less endorse that, although I would accept some
4 amount of change as you go, say, from Sault Ste. Marie
5 with a fairly large hardwood component, and then into
6 the Chapleau mixed wood and up into the Kapuskasing mud
7 flats, because -- and also change the process a little
8 bit in regard to the population concentrations.

9 The Sault, the Sudbury, North Bay,
10 obviously big population centres, a lot of people from
11 the community out with summer camps and that sort of
12 thing. As you go into Chapleau, a very large district
13 of almost 10,000 square miles with a population of
14 probably 5,000 people and 3,000 of that concentrated
15 into one community. So there's great expanses of
16 landscape with nobody on them and units with nobody on
17 them in terms of resident population, and if you're
18 going to have people commenting on the plans for those
19 areas they've obviously got to come from their
20 communities to wherever meetings are.

21 Chapleau, for example, was judged by the
22 district manager not to have any qualified naturalist
23 interest in the community and he searched outside the
24 community.

25 So I can see a slight variation in how

1 the committees are made up and how the process works as
2 you go both from south to north, or I guess east to
3 west, and also in terms of population density in the
4 area.

5 I think there should be a process whereby
6 groups -- where the community is asked to participate,
7 as opposed to the district manager asking for or
8 deciding who will participate. If we have a citizen
9 representative I don't know why we need a municipal
10 representative. I know the municipality has obvious
11 economic concerns with mills in town and so on, but is
12 that not a reflection of the citizenry in general. So
13 sometimes I think some of those groups are maybe two
14 people working together.

15 Another way of looking at this is in
16 tourism, you have the so-called road operators and you
17 have the remote operators and there's quite a bit of
18 contention between the two on some occasions,
19 particularly with regard to the development and
20 maintenance of forest access roads.

21 Both of those groups have a stake in the
22 pie and both of those groups I think should be
23 represented as separate groups.

24 Another thing I think that has to be
25 brought into the process is some sort of accountability

1 or auditing of what has gone on.

2 The Superior unit is just going into a
3 new management plan or a five-year operating plan and
4 just a few days ago I read the FON's request to the
5 Minister of the Environment for a bump-up, for an
6 environmental assessment on the Superior.

7 One of the points they made in there is
8 that: Wait a minute, why are we endorsing letting the
9 Superior unit go ahead when they haven't done what they
10 said they would do in the last plan particularly with
11 regard to regeneration.

12 That accountability factor isn't there as
13 strong as it should be and the forest audit numbers
14 that are being generated by another committee in this
15 province have to be brought into the province.

16 The diversity of uses that the community
17 wants from the forest, what are the values we get out
18 of it? So far we're generally looking at it only as --
19 or primarily as a timber extraction area and I think
20 we've got to look at it as a forest management area or
21 a forest and we have to look at -- Ambrose alluded
22 earlier, if we are throwing so much subsidy at this
23 thing, are we really ending up ahead or should we maybe
24 be setting areas aside and saying we are better off
25 financially in the end not to have cut an area, not to

1 have gone into it.

2 Two other comments I would add is in the
3 table of values - I'm referring to this document which
4 I gather came out in January - the values table --

5 MR. FREIDIN: Are you looking at MNR
6 draft terms and conditions?

7 MR. YURICK: Yes, January 6th, '92. I'm
8 probably not familiar with what I am looking for.

9 MR. FREIDIN: What are you looking for,
10 the list of values?

11 MR. YURICK: It's in Appendix 5. There
12 are things there that I think could be added. In terms
13 of natural values, there is still the concentration, as
14 I said earlier, on the raptors, the heronry, the moose,
15 the caribou, the deer, but I think other things could
16 be added in there in terms of - I guess Robin earlier
17 referred to it - beaver habitat and stuff like that.
18 That has importance for trappers.

19 Some marten is a valuable fur bearer.
20 How do we protect a particular trapper's marten
21 considerations or do we just clearcut a township all
22 across the fellow's area. Lynx is another thing.

23 Like, I'm not qualified to say what the
24 concern should be, but I think those concerns have to
25 be brought up.

1 With tourism, again, I said earlier we
2 look at the location of the building, we don't look at
3 the lake. It says here potential tourism areas and I
4 think the tourist industry has got to be consulted on
5 that far more than they have been.

6 Canoe routes are not being mapped unless
7 they are so-called designated Ministry routes. Portage
8 trails are not even being looked for on the ground.
9 Hiking and nature trails, perhaps that's more of an
10 urban fringe type of concern and perhaps the same with
11 cross-country ski trails, but those sorts of things
12 have got to be looked at a lot more. So I would add a
13 few values.

14 Lastly, very much towards the end of this
15 document, page 77 -- no, just a second. Somewhere way
16 back in it anyways -- no, I'm sorry. There is a
17 reference to the Ministry coming up with some sort of
18 scenery guidelines. Sorry, in the front part, it is
19 page 27.89.

20 "During the term of the approval the
21 Ministry shall investigate analytical
22 methods related to visual resource
23 management."

24 I presume that is some way of classifying
25 scenery. I know there's a lot of literature out there

1 about scenery resources relating to people driving down
2 highways and all sorts of things, but there is quite a
3 pile of literature available.

4 I'm glad to see that that's coming. I
5 only wish that that had come -- if I am interpreting
6 this correctly, I only wish that had come a long time
7 ago because for tourism in particular scenery is a very
8 valuable and valid resource concern. I would hope that
9 maybe that could be moved ahead rather than just during
10 the term of the rest of the life of this document.

11 Instead of just investigating the
12 methods, actually try to get involved in coming up with
13 a methodology for going out in the field and
14 quantifying and valuing things and hopefully by the end
15 of the period we will be able to put numbers and values
16 on scenery and protect some aspects of it.

17 MS. MACINTYRE: Another addition to that
18 might be historic use. I'm not sure if it was on there
19 or not. I can't remember. The heritage or historic
20 use of canoe routes.

21 The first thing I would like to say in
22 terms of how things could be better - oh it is, good -
23 is, first of all, the district really seem to differ.
24 In talking to people around the province I feel that we
25 have a strong and a very worthwhile district manager in

1 my district and it's evident in the way that his team
2 works together and it's evident in the way that issues
3 are addressed.

4 I understand that it is quite different
5 in some areas. I mean, I can't name any specific
6 sites, but I know a lot of anger has arisen because of
7 the way that treatments happen.

8 So I'm not really sure how the MNR
9 hierarchy goes, but I think that the district manager
10 has a lot on his plate and he really does need to be
11 not only a knowledgeable person, but a very caring and
12 conscientious because it falls on his shoulders to do a
13 lot of the public relations and to instigate the kind
14 of tone of meetings and the quality of the meeting.

15 A lot of my ideas for making things
16 better are quite maybe romantic, but I have a strong
17 interest in seeing local industry and small
18 manufacturing becoming somehow or other part of the
19 planning process for timber. I don't know if it's
20 possible. It's just a strong idea on my behalf.

21 If we are going to have community
22 forestry, we have to have local initiative from local
23 offices maybe for ideas or maybe for techniques or
24 programs that can be implemented to allow proper wood
25 utilization or small wood manufacturing.

1 I have a hard time dealing with the fact
2 that we are able to designate areas either as multiple
3 use or either as single industry use without having any
4 kind of an inventory or any kind of a previous
5 assessment. Basically everybody gets together and if
6 people squeak really loud, then the area becomes
7 multiple use. That's the way it feels in my area
8 anyways. A lot of problems needed to be addressed.

9 So not only do we need inventories for
10 designating use sites, we need inventories for
11 environmental sake so that we know what we have got
12 there. I know the wood industry has pretty well looked
13 after inventory of wood, but I would really like to see
14 inventories for other values.

15 Perhaps the assessment of this five-year
16 plan that we are in now will tell us whether multiple
17 use works in areas. When I think of multiple use I
18 think of every user except industry at the scale that
19 industry is using it now because I could peacefully
20 co-exist with a small manufacturing plant or somebody
21 that was selectively cutting which basically the
22 company in our area is starting to do, but I would have
23 an awfully hard time existing with a pulp cut or a pulp
24 operation. I don't think I could do it.

25 So basically we need to develop a more

1 innovative approach also not only to local industry
2 incentives, but also to technological innovations when
3 it comes to cutting and it all boils down to money.

4 I really don't know where it's going to
5 come from, but I don't see any bigger aspect of more
6 importance to the people of Ontario than the
7 environment of Ontario and I think that we are
8 mismanaging what we have got. We need to look at
9 technological improvements to the way that we do manage
10 this resource.

11 I guess that's about it.

12 MR. YURICK: Could I add just two more
13 things. Robin brought up the idea of value added and
14 local and small and all that.

15 I guess there's obviously the economic of
16 scale and whatnot, but to allow little woodpecker
17 outfits to go in and take a log here, a log there --
18 part of my experience so far on the SCAN task force has
19 been that big companies and big labour are just no way;
20 it is great for us now, folks, we don't want to change.

21 Quite frankly, for ongoing economic and
22 environmental liability I think it has to change and
23 some of the change I see is in that direction. Maybe
24 that's outside the scope of what's here, but local
25 ownership, local companies are also local people. They

1 are your neighbours; you deal with them every day. I
2 understand that that guy needs a log to make a table or
3 he needs a bunch of logs to make a stack of lumber, I
4 understand that, but when the cutting monster comes in
5 and clearcuts the whole half a township it really
6 starts to hurt when it's in your area.

7 The other thing I would like to see come
8 out of this is co-management. I think I've talked
9 about this a little bit already, but we're managing for
10 timber. This green document I think is still called
11 timber management planning, and we have got to get on
12 to forest management planning. We have got to look at
13 co-management between the various users on probably
14 smaller pieces of landscape.

15 Now that's not to say that EB Eddy still
16 can't have management or timber rights, if you will,
17 over 200 townships or whatever they have, but it could
18 be divided into smaller blocks of land whereby on block
19 A EB Eddy manages for the wood, but Joe tourist
20 outfitters manages for this and Josephine trapper is in
21 there and she has got her concerns, and so on, like
22 these other various diverse concerns and they come up
23 with a management plan for a far smaller area.

24 EB Eddy still gets the same amount of
25 wood, but it's easier for me to sit down and talk about

1 my concerns on a small block of land and I think it's
2 easier for EB Eddy and the Ministry to understand my
3 concerns if we are just talking about a small block of
4 land. So some form of co-management in small areas.

5 I think that's really, really vital. We
6 have discussed this a little bit in Chapleau, but I
7 think it's probably coming, but it's something that I
8 would hope could come out of this report.

9 That has the benefit of making the
10 process easier on the local people to develop the
11 management plan. It also shares out the responsibility
12 and the accountability for how that tract of land is
13 used, whether it is a canoeist, the tourist outfitter,
14 the trapper, the logging company. At the end of the
15 day or at the end of the decade that the plan is in
16 effect we can go back and evaluate how all of those
17 groups have used it because they all have a shared
18 shared responsibility in there. I would like to see
19 something like that come out in your recommendations.

20 MR. ZYLBERBERG: That's my
21 examination-in-chief, Madam Chair. I invite you to
22 open the floor to questions or to ask questions
23 yourself.

24 MADAM CHAIR: All right. Thank you.

25 Ms. Gillespie, are you cross-examining?

1 MS. GILLESPIE: No, I don't have any
2 questions.

3 MADAM CHAIR: Mr. Freidin?

4 MR. FREIDIN: Not many.

5 MADAM CHAIR: Okay, go ahead.

6 CROSS-EXAMINATION BY MR. FREIDIN:

7 Q. Mr. Yurick, as a matter of
8 clarification, the committee that you indicated you are
9 sitting on at the present time is one which has been
10 established by the Ministry of Northern Development and
11 Mines?

12 MR. YURICK: A. That's SCAN North with
13 respect to value added in the forest industry.

14 Q. Right. Dealing with the issue that
15 was raised by Mr. Martel, and I guess this was
16 primarily with you, Mr. Raftas, about the timing of the
17 involvement of the local citizen's committee and the
18 plan for Timiskiming.

19 MR. RAFTAS: A. Mm-hmm.

20 Q. As I understand what happened there
21 was the Timiskiming local citizen's committee is one of
22 four pilot projects which was instituted about a year
23 ago; is that correct?

24 A. That's right.

25 Q. When that committee or that pilot

1 project was instituted the planning process had already
2 begun for that particular plan?

3 A. Right.

4 Q. I understand that one of the concerns
5 that you have raised; that is, the involvement of the
6 local citizen's committee right up front, at the
7 beginning when objectives are being set, is something
8 which is going to be dealt with differently on the
9 Plonski Forest which is the next management unit that
10 you are going to be involved with; is that correct?

11 A. Yes.

12 Q. Is it your understanding that it is
13 going to be designed in way that the local citizen's
14 committee is going to be involved at the outset in the
15 objective setting process?

16 A. I guess what's happening is we have
17 never been through this part of the process before. So
18 we are as new at this part of the process as we are the
19 first time we were through on the other one. So we are
20 still having difficulty figuring how exactly we are
21 going to do it because we want to bring the community
22 in, but we were attempting it. We are working in that
23 area.

24 Q. Have you have an opportunity to look
25 at the Ministry's terms and conditions?

1 A. The one that came out in January?

2 Q. Yes.

3 A. Yes, I did take a look through that.

4 Q. I took a look through and if one
5 reads it, in my view, it becomes very clear that the
6 intention is that once the process, if it was approved
7 in the form that has been put forward here, that every
8 time a timber management planning process would begin
9 the local citizen's committee would, indeed, be
10 involved right at the back?

11 A. I read through it in looking for
12 that actually at one point and I wasn't as happy with
13 it -- and it was a while back, so I'm not that sure.

14 I wasn't as happy. It wasn't as specific
15 as it should have been because it didn't spell out the
16 level of involvement. Like, to be involved but not --
17 if we were involved at the level we were at before they
18 showed us the objective and that spells out a level of
19 involvement.

20 But what I thought should be more
21 specific in that document is that it should be more
22 specific to what level and the level should be to the
23 point that the objectives are actually established by
24 that group so that they are incorporated in it and
25 there may have to be some operational mechanism there

1 if there is a conflict right at the beginning with the
2 objectives, but, in my view, that is the best place to
3 resolve it.

4 If you can agree on the objectives, the
5 plan can proceed much more quickly. I think it needs
6 more development in that area of signing off and if
7 there is a conflict how we agree on what the objective
8 is. I think that area needs more work.

9 Q. Okay. Also, my understanding is that
10 the local citizen's committee, at least the way the
11 Ministry's terms and conditions read, is expected to or
12 certainly has the authority to in fact develop public
13 consultation mechanisms over and above the minimum
14 standards which are described in the terms and
15 conditions?

16 A. Mm-hmm.

17 Q. Is that correct?

18 A. Yes.

19 Q. In fact, that's exactly what your
20 local citizen's committee I think is probably doing
21 by -- in Plonski where you are going to involve the
22 community in some way differently than was done for the
23 Timiskiming plan; is that correct?

24 A. We're sort of testing it. We don't
25 know how to do that. We've introduced the idea of

1 having a public meeting where the committee was there
2 to take objectives from the public and the response we
3 got from some of the members was: Well, I don't want
4 to be at that meeting because that will be just like a
5 free for all, like in the same position like the
6 Ministry is. So we are looking at some way of
7 modifying that so it is not so -- but we are working on
8 that.

9 Q. Right. This ties in with what Mr.
10 Yurick was saying as well and what you are saying, that
11 the terms and conditions in terms of the public
12 consultation should set out minimum standards--

13 A. Right.

14 Q. --or procedures that will apply
15 across the board, but there should be enough
16 flexibility in there to in fact develop procedures
17 perhaps for public consultation on a unit basis as the
18 local citizen's committee thinks is appropriate. Is
19 that the general idea?

20 A. Yes, except my problem with that is
21 I'm wondering how far we would be able to go with this.
22 If our district manager wasn't as favourable toward it
23 as he is, if we had rejection along the line, the
24 document doesn't spell out that he has to do it. He
25 just has to sort of encourage it.

1 So it really doesn't give us enough to go
2 on to say: Well, you have to do it and this is what
3 you have to do because it is sort of too vague.

4 So I think if it were further developed
5 in that area to spell out to what level that should go
6 or at least if he can't define that to move it over to
7 the group to define that authority, then I think it
8 would be a lot more evolutionary as far as the capacity
9 of it goes, but this way I can see if you get a
10 district manager who is not too favourable toward the
11 group or toward that concept, then he could hold it
12 back quite dramatically. That's the concern I have.

13 Q. You say it is evolutionary, I guess
14 we have to see how it works.

15 A. I think there is room to push the
16 district managers, to push them to go further with it
17 because it won't be a problem for the ones that are
18 fairly cooperative anyhow, but it will show up on the
19 ones that aren't being cooperative if they have their
20 committees coming to the Ministry and saying: Well,
21 these guys aren't working effectively. It will show
22 that the managers aren't working right.

23 I think that the jumping line has to be
24 set a little bit higher for them. A lot of them are
25 going to clear it, but the ones that don't we want them

1 to show up and have it cleared up.

2 Q. Okay. Are you aware of the
3 initiative by the Ministry in relation to community
4 forestry projects?

5 A. Yes, there is one developing out of
6 Elk Lake actually.

7 Q. Is that something which, at least in
8 part, is addressing some of the concerns that you were
9 raising regarding community involvement?

10 A. It could, except everybody I've
11 talked to don't know what it involves. I think the
12 potential is there, but the definition certainty isn't.

13 Q. Thank you.

14 MR. FREIDIN: Those are my questions.

15 MADAM CHAIR: Thank you, Mr. Freidin.

16 MR. FREIDIN: Thank you.

17 MADAM CHAIR: Do you have some
18 re-examination?

19 MR. ZYLBERBERG: No, thank you. I asked
20 as many questions as I could think of.

21 MADAM CHAIR: All right.

22 MR. ZYLBERBERG: I guess that puts us in
23 the position of asking you to close for the day and I
24 think we are to resume Tuesday, and I'm not precisely
25 sure of where. Somewhere in Toronto.

1 MADAM CHAIR: The address is 151 Bloor
2 Street West.

3 MR. FREIDIN: Just follow the yellow
4 brick road.

5 MR. ZYLBERBERG: I will do that. At 12
6 noon, was that the plan?

7 MADAM CHAIR: Whenever all our northern
8 visitors arrive. If they are not there exactly at
9 twelve we will wait. We will start when everyone shows
10 us.

11 MR. ZYLBERBERG: Okay.

12 MADAM CHAIR: Thank you very much, lady
13 and gentlemen.

14 MS. MACINTYRE: Thank you for the
15 opportunity.

16 MADAM CHAIR: We appreciate you coming
17 here twice, and thank you very much. It has been very
18 helpful.

19 MR. RAFTAS: Thank you.

20 MR. YURICK: Thank you.

21 ---Whereupon the hearing was adjourned at 3:45 p.m., to
22 be reconvened on Tuesday, April 21st, 1992, at 151
23 Bloor Street West, 10th Floor, Toronto, Ontario
24 at 12:00 p.m.

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